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3 In the Matter of: RANDALL, Brian C., Agent for  
4 "BOOTLEGGERS OF MILWAUKEE, LLC", Class "B" Tavern and  
5 Tavern Dance Renewal Applications with Change of Floor  
6 Plan for "BOOTLEGGERS OF MILWAUKEE" at 1023-27 N. Old  
7 World Third Street.

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9 COMMITTEE MEMBERS

10 ALD. JAMES BOHL - Chair

11 ALD. MILELE COGGS - Vice Chair

12 ALD. ASHANTI HAMILTON

13 ALD. ANTHONY ZIELINSKI

14 ALD. NIK KOVAC

15 -----

16 MS. REBECCA GRILL - Licensing Division

17 SGT. PAUL MAC GILLIS - Milwaukee Police Department

18 MR. THOMAS MUELLER - Office of the City Attorney

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21 Proceedings had and testimony given  
22 in the above-entitled matter, before the Licenses  
23 Committee of the City of Milwaukee, on Tuesday, the  
24 8th day of December, 2009.

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P R O C E E D I N G S

(Whereupon the following proceedings commenced at approximately 8:40 a.m.)

THE CHAIRMAN: The first item on our legislative agenda is for Brian Randall, agent for Bootleggers of Milwaukee, LLC, Class "B" Tavern and Tavern Dance renewal applications with change of floor plan, as agent for Bootleggers of Milwaukee, LLC at 1023-27 North Old World Third Street.

Good morning to you.

MR. RANDALL: Good morning, Mr. Chairman.

THE CHAIRMAN: And the two of the gentlemen that are here with you, and Alderman Bauman, if you could all raise your right hands, we'll swear you in, please.

(Whereupon Staff Assistant Toby Black swore in ATTORNEY BRIAN C. RANDALL, MR. MICHAEL HOFFENBURG, MR. JOSH HURLEY and ALDERMAN ROBERT BAUMAN to tell the truth, the whole truth and nothing but the truth.)



1 THE CHAIRMAN: And for our agent,  
2 we'll need a name and mailing address, please, for  
3 you.

4 MR. RANDALL: Thank you,  
5 Mr. Chairman, members of the Committee. Brian  
6 Randall, agent on behalf of Bootleggers, 2602 North  
7 88th Street, Wauwatosa, WI 53226.

8 I do apologize for being a little  
9 hoarse this morning, I was trying to do my part at  
10 Lambeau last night to help my team win.

11 THE CHAIRMAN: And you were here on  
12 time this morning here, too; you must have come  
13 right from Lambeau then.

14 MR. RANDALL: Well, my client asked  
15 me if I did, but I didn't.

16 THE CHAIRMAN: Do you acknowledge  
17 receiving notice of today's meeting with the  
18 possibility your application could be denied?  
19 There was an attached police report that should  
20 have been part of your notice, as well as an  
21 outline of potential neighborhood objections.

22 MR. RANDALL: We do so acknowledge.

23 THE CHAIRMAN: Thank you. And let  
24 the record reflect that Alderman Mr. Zielinski  
25 joins the committee. Sergeant, we'll wait for you



1 to read the police report.

2 SGT. MAC GILLIS: I will start with  
3 Item 2: On 11/30/2008 at 12:30 a.m., Milwaukee  
4 police were dispatched to a fight at 1023 North Old  
5 World Third Street (Bootleggers). The complainant  
6 states he was involved in a fight on the dance  
7 floor inside the bar. Security removed all parties  
8 involved in the fight, which continued in the alley  
9 on the north side of the building. The caller was  
10 the only involved party to remain on the scene; he  
11 did not require or request medical attention.

12 Item 3: On 3/5/2009, a Milwaukee  
13 police officer visited taverns on North Old World  
14 Third Street in order to explain complaints the  
15 department had received regarding over service of  
16 alcohol to intoxicated patrons. On 3/7/2009, the  
17 same officer observed several patrons leave  
18 Bootleggers (1023 North Old World Third Street).  
19 These patrons were intoxicated to the point that  
20 they had trouble walking and vomited shortly after  
21 leaving the bar.

22 Item 4: On 3/14/2009, at 1:10 a.m.,  
23 Milwaukee police responded to an open line 911 call  
24 at 1023 North Old World Third Street (Bootleggers).  
25 Investigation revealed someone had used one of the





1 phones at the bar to dial 911, but no caller could  
2 be located.

3 Item 5: On 6/12/2009, at 11:25  
4 p.m., Milwaukee police observed a subject being  
5 escorted from 1025 North Old World Third Street  
6 (Bootleggers) by security. The subject crossed the  
7 street and then returned and attempted to re-enter  
8 the bar. When the officer and bar security  
9 prevented the subject from going back into the bar,  
10 he became angry, attempted to strike one of the  
11 staff from the bar and resisted attempts by the  
12 officer to place him under arrest. A Police report  
13 was filed.

14 THE CHAIRMAN: Thank you, SGT. MAC  
15 GILLIS. Are there any questions, comments you have  
16 relating to items on the police report?

17 MR. RANDALL: Just one, Mr. Chair,  
18 and that's comparing Nos. 3 and Nos. 5. No. 5, the  
19 last statement, we just heard that a police report  
20 and number was given -- was filed for that  
21 incident. Was there any follow-up action taken on  
22 No. 3 with respect to the patrons who apparently  
23 left the bar or with the bar itself, was there any  
24 indication of that?

25 SGT. MAC GILLIS: That I don't know,



1       sir.

2                       MR. RANDALL: Thank you.

3                       THE CHAIRMAN: Questions by  
4       Committee? Is there any opening statement you wish  
5       to make at this time?

6                       MR. RANDALL: Yes, Mr. Chair, I'd  
7       appreciate the opportunity to do that.

8                       First off, I want to introduce who's  
9       with me here today. Michael Hoffenburg is to my  
10      immediate left, he is our Class B designated  
11      manager, because as the designated licensed agent,  
12      I do not run the day-to-day operations of this  
13      premises, so we, by city ordinance, have a Class B  
14      licensed manager -- that's Michael Hoffenburg.

15                      And to his left I have Josh Hurley,  
16      who's here today; he has established residency  
17      since moving down to the area and we anticipate  
18      transitioning the agent duties, because as you well  
19      know, this is not my daily job. But with this  
20      entity that opened, this bar and restaurant in  
21      2008, they were from out of state and they needed  
22      someone who could fulfill the agent duties -- that  
23      initially was me; but Josh Hurley is the incoming  
24      general manager and will be the agent in short  
25      order when we transition.



1                   So at various times I may defer to  
2 Michael or Josh with specific operational  
3 questions, but I just wanted to introduce to you  
4 their roles and certainly to Alderman Bauman I  
5 believe that they are familiar faces; and to some  
6 of the others who may be here, these are the people  
7 that operate Bootleggers on a daily basis, whereas  
8 I represent them.

9                   One other part of my intro comments,  
10 too, and for those of you who may not be familiar  
11 with this particular building, it's on Old World  
12 Third Street and it was dark for about five or six  
13 years, perhaps even more, until 2007 when the  
14 Bootleggers ownership purchased it; it was the old  
15 Mader's Stein Shop, I do believe, and the building  
16 is historically designated.

17                   At one time, interestingly, it was a  
18 four-story building. I believe in the 1950s there  
19 was a fire at the upper levels and they actually  
20 tore down those top two floors. It remains a  
21 two-story building, so floors three and four were  
22 removed. We still have a historic designation with  
23 that and so the Historic Preservation Commission  
24 does govern many of our exterior changes initially  
25 and anything that we want to do from here on out.



1                   As you might imagine, being a former  
2                   Stein shop, and simply a different use than a  
3                   restaurant and bar, Bootleggers had to invest  
4                   substantial money into the premises -- over one  
5                   and-a-half Million Dollars in 2007 for it's opening  
6                   in 2008. It currently has a 1.2 Million Dollar  
7                   assessment for the city and probably in the mail as  
8                   we speak is going to be a tax bill for roughly  
9                   \$30,000.00 payable to the City.

10                   So it is certainly an improvement to  
11                   that street, what had been a vacant store front,  
12                   and has been a contributing member to that area.  
13                   Bootleggers ownership, incidentally, some of you  
14                   may remember, who've been on the Committee all  
15                   throughout this year, is also owned by the  
16                   ownership -- parts of the ownership who runs Molly  
17                   Cools Seafood Tavern, which took over the former  
18                   Kincaid's Fish Shop and Steak House -- it's kind of  
19                   kitty-corner across the street on the river side.

20                   I'd like to address a couple of  
21                   things following that introduction; and some of  
22                   this is from discussions with Alderman Bauman, and  
23                   we do appreciate his being very up front with us  
24                   and his usual attentiveness to the district in  
25                   various areas of his district and also to some of





1 the issues that we anticipate people in the  
2 audience may speak to; and then we'd like, of  
3 course, the opportunity to respond if they speak to  
4 it slightly differently than we do proactively.

5 The first would be the police  
6 report, and I'd like to go through a couple of  
7 things with Michael's assistance because I know the  
8 Committee has really scrutinized the police reports  
9 as of recent and I don't want to take anything for  
10 granted. A number of these things might be  
11 considered relatively minor; however, the  
12 Bootleggers' approach and response to them is not  
13 in a minor way, and so I'd like to go through  
14 those.

15 The SGT. MAC GILLIS began with No. 2  
16 on the police report and that appears to be a  
17 skirmish inside of the bar where security did its  
18 job, they separated the parties involved; they, in  
19 fact, then asked them to leave. There was a call  
20 made, appears by one of the parties in that fight,  
21 to the police department. No further action was  
22 taken. As I indicated, the skirmish was taken care  
23 of at that time -- security at Bootleggers is very  
24 proactive.

25 Q Michael, can you explain a little bit how you staff



1 the security on a week night and weekend basis,  
2 please?

3 A Yes. We have between 10 to 12 security members  
4 that will be going through our entire  
5 establishment. We have two people at the front of  
6 the establishment that will be kind of taking care  
7 of the front sidewalk as well as the entrance and  
8 exit of the building. We also do have a rear exit  
9 that we have somebody stationed at as well.

10 When it comes to operational  
11 procedures with altercations inside of the  
12 establishment, the two parties are asked to leave  
13 out separate exits and they -- once they are  
14 escorted outside, they then are either asked to  
15 leave the premises or the police are called to  
16 assist in our removal.

17 Q Michael, in this particular incident, this is going  
18 back over a year, November of 2008, do you recall  
19 whether the security had follow-up reports for you,  
20 to management? Were they -- did they stay with the  
21 caller when the police arrived? Can you give any  
22 other details as far as what this fight may have  
23 been about or just --

24 A I do not have any other details as to this  
25 incident. I do know that after we asked them to



1 leave the establishment they did go on their own  
2 ways and we, after that, did not follow them and  
3 try and attempt to detain them. So if they went to  
4 call the police, that was after we escorted them  
5 and removed them from the premises.

6 Q Can you also explain what you as management and  
7 what you instruct your staff to do when police come  
8 through either on a typical bar check or in an  
9 incident like this when they've been called?

10 A Yes. We speak with officers, we ask them if  
11 there's any way possible we can assist them --  
12 asking them questions about what their inspection  
13 is for, what they're coming to the bar or the store  
14 is for and then we will walk them through, to the  
15 best of our knowledge, what occurred in the  
16 incident that they were called about or show them  
17 any paperwork on anything that we might need to  
18 provide for them.

19 We also do write up incident  
20 reports, if there's an issue that we have a police  
21 meeting for or as long as any incident that  
22 occurred inside the bar where we feel that we need  
23 to write it down, as well as have paperwork for it.  
24 I do not have an incident report for this specific  
25 incident, but we do have numerous ones that involve



1 other things that are in this record.

2 Q And that one, as we mentioned, was November of  
3 2008, so it may have been before the incident  
4 reporting?

5 A Correct.

6 Q Okay. With respect to No. 3, that one, as the SGT.  
7 MAC GILLIS explained, on a day, March 5th, a police  
8 officer visited the tavern -- apparently all the  
9 taverns or many of them on Old World Third Street.  
10 Do you have any records or do you know that the  
11 officers stopped in to talk about complaints on  
12 intoxicated people?

13 A I do. I was present for that visit and I do  
14 remember -- recall the officer stating to us that  
15 they were called down for routine inspections of  
16 the entire street. They were called down for  
17 numerous calls about many different establishments  
18 on the street, as well as people discussing with  
19 them, making sure the presence is more known.

20 Q And one of the things the officer emphasized was  
21 the intoxicated patrons in that recent concern?

22 A Correct. He did speak of intoxicated patrons as  
23 well as -- he spoke of licensing, where our  
24 licenses were, were they visible, capacity  
25 regulations. They did a walk through to see if all





1           our licenses were up-to-date and we were upholding  
2           that end of the law.

3   Q       And then two days later, according to the report,  
4           the officer -- it does not appear he or she was  
5           inside the premises, but they observed patrons  
6           leaving Bootleggers and that -- his report  
7           indicated intoxicated to the point that they had  
8           trouble walking and vomited shortly after leaving  
9           the bar. Were you aware of that report prior to  
10          the police report today?

11   A       I was not; we were not issued any citation so I was  
12          not aware of that prior to this moment. We do have  
13          exceptional operational procedures, though, that  
14          are in place for certain issues like that. We take  
15          a very proactive approach in our responsible  
16          serving as well as our operational standards of our  
17          security.

18                       First of all, stopping people --  
19          patrons at the door, if they have been over  
20          inebriated or inebriated, to come into our premise.  
21          We don't like that, prior to entering. We also  
22          have an extensively trained staff and we work  
23          together as a team, from our bartenders to our  
24          service staff to our security staff, to make sure  
25          that people inside the establishment are at a safe,



1 fun level of intoxication, or lack thereof, for  
2 that matter. And for that we do do -- everybody on  
3 our staff --

4 THE CHAIRMAN: Freudian slip there,  
5 right?

6 THE WITNESS: Exactly.

7 (Whereupon there was some brief  
8 laughter at this point.)

9 THE WITNESS: Everybody on our staff  
10 does have a learn-to-serve or responsible-serving  
11 certificate, including our security staff, and I do  
12 have some of that provided. We have a member of a  
13 responsible serving force, loss control prevention  
14 service up in Minnesota, who does have licensing to  
15 teach in Wisconsin, who does our responsible  
16 serving courses and he comes down; we have  
17 pamphlets on that, too.

18 MR. RANDALL:

19 Q Michael, if I can just interrupt, because the  
20 Committee is familiar with bartending applications  
21 and agent duties that -- the responsible beverage  
22 server course is a routine matter of what a license  
23 holder needs; but what you just talked about was an  
24 additional step that management takes to bring in a  
25 licensing specialist on some of these issues,



1 beyond intoxication, but otherwise, correct? And  
2 how often is that?

3 A Twice a year.

4 Q Anything else operationally on how you try to  
5 police within Bootleggers on over intoxication?

6 A Yes. If we have a patron that is over intoxicated,  
7 we cut them off, as they say, and we ask them to  
8 leave. That can be anything from -- any range of  
9 issues why we do ask them to leave, but over  
10 inebriation is our biggest concern. We then escort  
11 them safely off the premises. If they are overly  
12 inebriated, we make sure we find their friends or  
13 family members that they did come with to make sure  
14 that we can hand the responsibility over to them so  
15 they can get home safely.

16 We also, whenever we have a  
17 situation arise with that, we have two members of  
18 our security staff or any one of our staff members  
19 go up to this patron and escort them out safely for  
20 numerous reasons that are pretty understood.

21 Q Michael, in regards to the police report, on March  
22 5th they did a routine check; on March 7th they  
23 observed several patrons leaving your bar,  
24 stumbling and vomiting immediately after leaving  
25 your bar. Is that something that sounds plausible?



1 Did that happen that night?

2 A We do everything we can in our operational  
3 procedures to prevent that from happening,  
4 starting, like I said, with our responsible  
5 serving, what we do, as well as our making sure  
6 that all of our patrons are having a safe time.

7 Q So you're not disputing that that police officer's  
8 observations were correct that night?

9 A On any given night anything can happen, so, you  
10 know, we're not really --

11 MR. RANDALL: Correct, we're not  
12 disputing that's what the report says. We were not  
13 aware of it on March 7th, we were unaware of it  
14 until now; but, of course, we run a bar where that  
15 certainly can happen. One of the things I was  
16 going to ask Michael about, in my view, one of the  
17 most important things, though, had we been aware of  
18 that or when we are aware of people, and whether  
19 they're from our premises or not, who may get sick  
20 or who may make a mess, we deal with it, we clean  
21 it up and that's one of the routine things we do.  
22 So we're disappointed to see that this may have  
23 happened on that night and we probably did not  
24 clean it up wherever they were because we weren't  
25 aware of it; but to the extent we are, and as





1 Michael explained, we do have exterior security  
2 guards, people outside.

3 ALDERMAN KOVAC: When you say clean  
4 up, you mean literally clean up the vomit?

5 MR. RANDALL: Correct.

6 ALDERMAN KOVAC: I'll be honest,  
7 that -- I mean that's, I guess, a public health  
8 issue, but that's the least of my concern, the  
9 actual vomit; my concern is people are that drunk  
10 and they're on public streets and what's going to  
11 happen next?

12 MR. RANDALL: And that's why the  
13 operational controls are what are most important  
14 and why I wanted Michael to explain those.

15 Q And Michael, if you can explain, too, there are  
16 instances where people may be coming out of  
17 Bootleggers but they did not become intoxicated  
18 there, correct?

19 A Correct. We -- you know, once people get inside,  
20 if they do have a falsehood of kind of they're  
21 walking through and get past our front doorman, we  
22 do have many, numerous security members, as well as  
23 serving staff, that are trained to spot them in  
24 many ways and we will let them -- tell them that  
25 they have to leave the premises because they're too



1           inebriated before they have actually ordered a  
2           drink from the bar.

3                           In that instance and stuff like  
4           that, what separates us from a lot of the  
5           establishments is the fact that from top to bottom,  
6           we do not allow any drinking of any of our staff  
7           members at the establish during business hours at  
8           all.  Anyone from management down to security  
9           members are not allowed to drink at all, as well as  
10          certain steps we take to follow the process of  
11          preventing over inebriation, that we only allow  
12          people to have one and-a-half drinks in front of  
13          them.  If they have a half a drink, we train our  
14          staff to say that they can have one at this time,  
15          once they're halfway done with their drink, so they  
16          can only have one and-a-half drinks at the maximum.

17  Q       And as far your experience in the Milwaukee area  
18       running other establishments, is that unique?

19  A       It's very unique.  Just being a part of going to  
20       other establishments, I've know numerous times  
21       going into other establishments, where I'm being a  
22       patron, where I can sit down and play some bar dice  
23       and have a couple of cocktails with the actual  
24       bartenders and servers; and, you know, after  
25       awhile, you know, those shots start adding up,



1 drinks start adding up.

2 Q And you've been served more than one drink at other  
3 establishments in Milwaukee at one time?

4 A Absolutely.

5 Q So your policy, though, is not to serve more than  
6 one drink at a given time?

7 A Correct. I've been served pitchers, which is  
8 approximately four drinks for myself as well, too,  
9 so --

10 Q And the -- did you go through all the operational  
11 safeguards that you have as far as policing and to  
12 make sure there's no over intoxication? The other  
13 question I have, though, is that there have been  
14 instances where patrons from other establishments  
15 from Old World Third Street, and let's be honest,  
16 it is an entertainment district, so it does attract  
17 numerous people, but you have dealt with people  
18 from other establishments, correct?

19 A Correct, we've dealt with them numerous times. We  
20 are located centrally in that entertainment  
21 district right on Third Street, in between Juneau  
22 and State Street, so there's a lot of traffic that  
23 passes by and attempts to come into our bar from  
24 other establishments. It's sort of a bar hopping  
25 street, as it's now become, and we either deny them



1 at the door sometimes as well as, you know, deny  
2 them before they actually can get their first  
3 beverage.

4 Q And did you have anything else to add as far as  
5 when there are problems outside if patrons make a  
6 mess or what your standard policies are with  
7 outside cleaning of the --

8 THE CHAIRMAN: I don't know that  
9 we're going to suspend your license because of  
10 outside cleaning here.

11 MR. RANDALL:

12 Q Then anything further, Michael? If we can go to  
13 Item No. 4 or maybe Josh, I know you were very  
14 familiar with the open line 911, if you could just  
15 explain that, I don't think --

16 THE CHAIRMAN: Is anyone on this  
17 side of the Committee going to use Item No. 4? No?

18 MR. RANDALL: We've since removed  
19 the phone, just for the record.

20 THE CHAIRMAN: That's fine.

21 MR. RANDALL: It may have been a  
22 public-use phone.

23 THE CHAIRMAN: If we saw that in  
24 repeated use, that may be a problem; I don't think  
25 that's going to be utilized here, so --





1                   MR. RANDALL: All phones are in  
2                   secured locations now, that one has been removed.  
3                   We simply want to make sure the record is complete  
4                   and you know that we take these things seriously.

5 Q                Item No. 5, Michael, is that it appears that a  
6                   patron was escorted from the premises and the  
7                   police officer in his or her report notes that they  
8                   observed the patron cross the street and then try  
9                   to return and attempt to reenter the bar and that  
10                  both the officer and bar security were active in  
11                  trying to keep that person out and, in fact, he was  
12                  angry and a police report was filed, they placed  
13                  him under arrest. Do you remember that incident?  
14                  Can you explain -- give any background behind that?

15 A                I believe Josh has more recollection of that but I  
16                   can speak onto what I do know about that incident.

17 Q                If Josh would be quicker with it, that's fine.

18                   MR. HURLEY: In regard to that  
19                   incident --

20                   MR. RANDALL: If you could provide  
21                   your last name again.

22                   MR. HURLEY: Oh, Hurley. What  
23                   happened with that incident is we asked this  
24                   gentleman to leave, we had felt that we had served  
25                   him safely and comfortably enough. He was a bigger



1 gentleman in a limo with people from Chicago --  
2 went across the street, got a little angry because  
3 his friends weren't coming out yet and he wanted to  
4 get back in and get them. He came back, started  
5 yelling at my safety person at the exit door, took  
6 a swing at him, and there were a couple officers  
7 that were there and they took him down.

8 MR. RANDALL:

9 Q And he was resisting, he was big?

10 A He was resisting -- it took myself, three of my  
11 safety people and about four police officers to  
12 actually hold him down -- he was a big gentleman.

13 Q And Josh, this particular instance is different  
14 than an over intoxicated patron --

15 A Correct.

16 Q You explained that your recollection is the  
17 evaluation was made this person was just unruly and  
18 behaving improperly, but that would explain why  
19 your staff didn't necessarily find that person's  
20 friends or tell them that he was was going to be  
21 leaving?

22 A Correct

23 Q It would be in that instance the friends'  
24 responsibility to follow --

25 A He did have one of his friends with him; they were



1 looking for the rest of their group. Like I said,  
2 there was a limo across the street that they came  
3 down from Chicago. They went back over to the  
4 limo. The limo driver was the one that was trying  
5 to get all the friends and he decided to take it  
6 upon himself to come back to the exit door.

7 Q And from your perspective then, the safeguards you  
8 have in place, the operational controls and number  
9 of security staff from your perspective addressed  
10 that situation as well as you could?

11 A Absolutely, with the help of, obviously, the police  
12 department.

13 Q And do you remember cooperating with the police in  
14 that instance?

15 A Yup.

16 MR. RANDALL: We don't have anything  
17 further to add as far as the police report; we  
18 simply, again, appreciate the opportunity to  
19 explain exactly from our perspective what happened  
20 in each instance. Thank you.

21 THE CHAIRMAN: Questions by  
22 Committee? Alderman Hamilton?

23 ALDERMAN HAMILTON: Thank you,  
24 Mr. Chair. And this is a question for Mark or -- I  
25 mean for Michael or for Josh: Do you -- you said



1           that you have a good rapport, good relationship  
2           with the police department?

3                         MR. HOFFENBURG: Absolutely.

4                         ALDERMAN HAMILTON:

5 Q           And how often do you have contact with the police  
6           department maybe in a month?

7 A           I speak with Officer Bulliard -- he's kind of our  
8           liaison -- every weekend, he comes by. I kind of  
9           speak with him, we kind of chat for a little bit,  
10          so -- this Summer it was very nice, you know, there  
11          was a lot of street presence from the police  
12          department, which we definitely do appreciate, just  
13          walking up and down the street. It definitely  
14          makes a difference for the safety of people and how  
15          the people that actually come to Third Street,  
16          which is what our complete goal is, for them to  
17          feel safe; so this Summer a lot, and then once a  
18          weekend now.

19                        ALDERMAN HAMILTON: All right,  
20           thanks.

21                        THE CHAIRMAN: Other questions by  
22           Committee? Alderman Bauman.

23                        ALDERMAN BAUMAN: Thank you,  
24           Mr. Chair. The police record speaks for itself, I  
25           really won't comment on that -- everybody can see





1 it and read it.

2 The main concern for me is basically  
3 the plan of operation. When this establishment was  
4 initially proposed for operation back in December  
5 of 2007 -- I believe they opened in January of  
6 2008, if I'm not mistaken.

7 MR. RANDALL: May of 2008.

8 MR. BAUMAN: May of 2008.

9 MR. RANDALL: But it was proposed in  
10 December.

11 MR. BAUMAN: This was very big --  
12 it's a very large venue, 350 capacity, I believe;  
13 and the original proposal was as basically a  
14 nightclub-only operation, which means the  
15 activities begin in the evening and don't really  
16 begin in earnest until 10:00, 11:00 at night.

17 The concern I had about that, and I  
18 might add the concern the neighborhood merchants  
19 and retailers had about that was a very large venue  
20 basically dark all day long until 7:00 or 8:00  
21 o'clock at night when things could kind of come  
22 alive and people would start coming and going from  
23 the premises.

24 And so the licensee did agree to  
25 provide lunch service, which would enable the



1 facility to be basically animated during the day.  
2 People would come and go -- even if the lunch crowd  
3 was fairly light, it would be open for business;  
4 and frankly, we have set that as a de facto, I  
5 wouldn't say requirement, but certainly our strong  
6 preference that all new liquor establishments on  
7 Old World Third Street also provide lunch service  
8 and meal service, for that matter, but in  
9 particular lunch so that you don't have a dead  
10 street during the day and then everything comes  
11 alive at night, which I don't think has beneficial  
12 for the other businesses on the street or for the  
13 city in general.

14 They, of course, agreed to do that,  
15 as indicated from the minutes of the January, 2008  
16 license Committee meeting. In fact, there was a  
17 specific discussion about menus -- menus were  
18 entered in the record. I don't know if they're  
19 part of our file, I believe that Aaron dug those  
20 out of historic archives.

21 There was a discussion about hours  
22 of operation and they very specifically indicated  
23 in their plan of operation that they would commence  
24 operation at 11:00 a.m. every day, and that is  
25 what's reflected on their application, which is



1       also, I believe, part of the record. And then --  
2       however, it's now come to my attention that -- and  
3       there were also issues with the roof, because they  
4       wanted an open roof bar service area, which of  
5       course, given music, given the way music travels  
6       from high places, I just very much suspected it  
7       would be a problem.

8                       Well, of course it was a problem.  
9       There were some neighbors, residents who did  
10      complain. They were complaining more because they  
11      moved because of this problem. So they haven't  
12      complained since because they're gone. I don't  
13      know if any other people are here that raised the  
14      noise issue, but we'll see what the testimony  
15      brings along those lines.

16                      So there was some agreements made,  
17      basically becoming part of the plan of operation.  
18      One was that music would shut down at 11:00 p.m. I  
19      have no personal knowledge that that's not being  
20      done -- we'll see what the testimony provides.  
21      There was also an agreement that the hours of  
22      operation would be commencing at 11:00 a.m. Well,  
23      you wouldn't open at 11:00, just to be open, you'd  
24      open to serve something, presumably lunch and, of  
25      course, alcohol, which is fine -- it's their right.



1                   And then the menus, which presumably  
2                   were a big part of the record, would be the items  
3                   that they would provide for lunch. Well, it's come  
4                   to my attention that sometime around March of last  
5                   year lunch stopped and they have not been open for  
6                   lunch ever since. Again, the testimony from the  
7                   neighborhood can corroborate that.

8                   And Mr. Randall, in our conversation  
9                   yesterday, said he didn't know they weren't open  
10                  for lunch. Well, that's the problem when you have  
11                  lawyers as agents who aren't there day-to-day  
12                  because -- and that's no reflection on him. I  
13                  mean, back in the day when I was practicing, people  
14                  asked me to be a licensee. I read the ordinance  
15                  and I said, ho, ho, ho, no way am I going to be the  
16                  licensee, I don't want that liability and  
17                  responsibility, but that's fine.

18                  So the main issue for me is they  
19                  basically violated the plan of operation and they  
20                  violated a provision of that plan which was the  
21                  specific basis upon which I supported the license,  
22                  otherwise I was opposed to the license, pure and  
23                  simple. So we had another bait and switch  
24                  situation, like we had recently with the Star Bar;  
25                  they had committed and promised deserts and, of





1 course, never a desert was found in the place ever  
2 since.

3 And that came to us and I think the  
4 Committee took a very tough stand on that, and I  
5 think appropriately. Because credibility of  
6 licensees and credibility of these applications is  
7 critical. If we can't believe what we read, and if  
8 we can't believe what we're told plan as the plan  
9 of operation, then this process really falls apart  
10 and breaks down.

11 So that's my big concern. Sure  
12 they're here today, oh, yah, yah, we'll start up  
13 lunch again or we didn't do lunch because it wasn't  
14 economic. Okay, fine, but that was what you  
15 promised to do as part of receiving the privilege  
16 of serving alcohol; and I don't want to really hear  
17 excuses about it, other than coming in and dealing  
18 with it up front and saying, now, we don't have a  
19 plan of operation that has lunch -- what does the  
20 neighborhood think about it?

21 And -- but the problem is, they're  
22 vested, they have property rights now and we'd have  
23 a hard time applying the same standard of scrutiny  
24 once they're licensed to change a plan of operation  
25 than at the beginning. So I think it was a little



1 bit of bait and switch, and that's not how we  
2 conduct business here and that's my main reason for  
3 having concerns about this situation and I think  
4 some appropriate suspension is in order.

5 THE CHAIRMAN: Thank you -- thank  
6 you, Alderman. Now, I just will say, there's been  
7 three phones that have gone off. There's a sign  
8 that tells people to please turn off your cell  
9 phones or pagers. I would ask for compliance with  
10 those, please. Questions by Committee of Alderman  
11 Bauman?

12 ALDERMAN COGGS: Mr. Chair?

13 THE CHAIRMAN: Alderman Coggs.

14 ALDERMAN COGGS: It's not a lot -- I  
15 have a question of the licensee. So you don't  
16 serve food?

17 MR. RANDALL: That's incorrect, and  
18 frankly I apologize, I was going to speak to the  
19 food issue after the police report, but Alderman  
20 Bauman took the floor, and that's fine, and I'm  
21 happy to respond to that specific question.

22 We still serve food in the evening  
23 and on the weekends; that's during lunch and  
24 dinner.

25 ALDERMAN COGGS: What percentage of



1           your sales are food?

2                         MR. RANDALL:  Josh?

3                         MR. HURLEY:  Twenty percent.

4                         ALDERMAN COGGS:

5  Q         Is the menu that you submitted at the time of  
6           application a menu that you currently utilize?

7  A         Ninety-five percent.

8  Q         Do you serve lunch?

9  A         We open at 3:00; we serve food at 3:00 p.m. Monday  
10         through Friday -- 3:00 p.m. to 11:00; Saturday and  
11         Sunday from 11:00 a.m. to 11:00 p.m.

12                        ALDERMAN COGGS:  Thank you.

13                        MR. RANDALL:  I do have a more  
14         complete response to that, okay, but we can address  
15         questions first, if you care.

16                        THE CHAIRMAN:  Are there other  
17         questions by the Committee?

18                        ALDERMAN KOVAC:  So Monday through  
19         Friday you're not serving lunch?

20                        MR. HURLEY:  Correct.

21                        ALDERMAN KOVAC:

22  Q         And why is that?

23  A         What we saw from January -- January, February, up  
24         until June, five people a day, maybe -- maybe --  
25         250 bucks a week; it costs me more than that to



1           turn my kitchen on

2                           THE CHAIRMAN: I think that this is  
3           sort of a predicament that we have downtown; and I  
4           think it's positive that the city -- and it's not  
5           just even city leaders here that desire to have  
6           that, we have other business entities on Old World  
7           Third Street, downtown District 22, others that  
8           want to see places open not just as a watering  
9           hole, they want to see viable daytime operation of  
10          businesses that give residents, that give workers  
11          downtown the opportunity to have a number of  
12          establishments to go to.

13                           The difficulty like with the -- what  
14          we see at the Grand Avenue Mall is, you can't  
15          artificially create a market sometimes. As much as  
16          we want Grand Avenue booming, just saying to  
17          people, please come down, we've got places to go,  
18          doesn't necessarily mean people are going to come  
19          to this establishment. So, I mean, we're sort of  
20          in the quagmire I think, at times, of trying to get  
21          something that we desire and what the marketplace  
22          necessarily dictates.

23                           I don't -- I don't know where the  
24          right sweet spot is but ultimately you want to have  
25          some viable daytime presence as a restaurant, but





1       you can't create a market and necessarily hit the  
2       right spot. I don't know, I don't know what the  
3       answer is, but --

4                     ALDERMAN COGGS: Mr. Chair?

5                     THE CHAIRMAN: Alderman Coggs.

6                     ALDERMAN COGGS: I would just ask,  
7       though: I recognize that the business -- that the  
8       market changes, business changes and all of that,  
9       but I also recognize that Aldermen put a lot of  
10      faith in licensees in what they promise they will  
11      do; and I think it's imperative, not only for this  
12      licensee but all licensees that once the  
13      recognition of a necessary change comes about, that  
14      that be communicated to the local representative;  
15      because to hear it from neighbors or to hear it  
16      from customers is really a negative.

17                    So we can talk about the business  
18      change and all of that, which reasonable minds can  
19      probably agree on that; but it's the having been  
20      promised one thing and then hearing through the  
21      grapevine that has changed, that is disheartening.

22                    THE CHAIRMAN: I'll concur with you.  
23      I think that that communication -- and frankly,  
24      because it was more than just Alderman Bauman,  
25      we're talking about there is a business district



1           there that, you know, and I'm assuming they meet  
2           regularly, that you would be participating in that  
3           and saying, look, this isn't working for us. Maybe  
4           you meet with the Alderman and say, we're going to  
5           change or submit a different plan of operation  
6           here, we want to work with you, discuss our viable  
7           options. I concur with you.

8                         Alderman Zielinski, what I want to  
9           say is that we are running very far behind and this  
10          is taking much longer so let's, if we could, try to  
11          keep the comments on a short --

12                        ALDERMAN ZIELINSKI: Just to briefly  
13          dovetail on some of the comments made by  
14          Aldersperson's Coggs and Bohl. You know, the  
15          concern is: You come in, you make a plan of  
16          operation that is agreeable to the neighborhood and  
17          the Aldersperson and then, when you come back later  
18          and you say, hey, this didn't work out, that gives  
19          the impression -- I'm not saying this is  
20          necessarily the intent, but the impression or the  
21          perception is that this may have been directed to  
22          undermine the actual goals of that particular area.

23                        Because had you come forward with  
24          the original plan of operation that you have in  
25          place now, you might not have gotten the approval



1 and the support to get in there in the first place;  
2 and so that's -- you know, that very disconcerting.  
3 And for anybody that's listening, if you have --  
4 you know, if you conceive of any possible change,  
5 you've got to be up front with everybody in the  
6 beginning. Thank you.

7 MR. RANDALL: Mr. Chair?

8 THE CHAIRMAN: Mr. Randall.

9 MR. RANDALL: If I may, first off,  
10 we do recognize that the communication on our end  
11 was lacking and we should have changed that; and I  
12 do want to say that Alderman Bauman is correct, he  
13 was very -- and as I said in my intro, very up  
14 front and has been very clear with us at all points  
15 throughout the process. When we first proposed the  
16 location, it did not include a kitchen, it did not  
17 include food and he explained to us that he would  
18 probably be supportive if it did include food and  
19 the kitchen service; so that is -- we cannot and we  
20 will not dispute that.

21 What I think is somewhat unfair and  
22 unreasonable to us, though, is any connotation that  
23 there's a bait and a switch. If there is, then  
24 it's a \$250,000.00 bait and switch, because the  
25 kitchen is a very expensive addition to the



1 property. It is still there and it is still used.

2                   And both Josh and Michael will tell  
3 you that they will open for lunch when they, who  
4 both are there or one or the other on a daily basis  
5 starting at 9:00 o'clock and start to see the foot  
6 traffic, and start to see that there are people  
7 there and people are knocking on the door. They do  
8 have people, because their door is open for  
9 delivery, and they say, we're not open today, but  
10 Buck Bradley's is open or the other establishments  
11 are open. They do send people away; and believe  
12 me, when a dozen people start doing that on a daily  
13 basis, they're going to open.

14                   So, from our perspective, the  
15 kitchen is still there, the city has what it  
16 wanted, or the area -- the business group has what  
17 it wanted, the facility can be used; but for pure  
18 economic reasons, as you've heard in the record  
19 this morning, it does not make sense to open. And  
20 we do not have our hand out, we're not looking for  
21 city subsidies to keep our kitchen open during  
22 lunch. So that's the pure and simple fact of it.  
23 We do recognize we should have advised Alderman  
24 Bauman.

25                   As far as the plan of operation, I





1 did speak with License Division and asked that  
2 question and was advised that if we had the  
3 potential or the future desire, perhaps, to be open  
4 as early as 11:00 -- and again, on weekends we  
5 are -- I know it's a detailed problem on the list  
6 where we put 11:00 a.m. for the weekdays; but  
7 knowing that we may want to reopen the kitchen, if  
8 we're able to, I was advised to keep the hours as  
9 the most expansive that we have.

10 And you heard about the menu -- that  
11 hasn't changed. So the plan of operation, from my  
12 perspective, remains accurate, but certainly let  
13 the record reflect that as of -- and I believe from  
14 our perspective it should be July have 2009 -- you  
15 closed for lunch, not March?

16 MR. HURLEY: June.

17 MR. RANDALL: June of 2009, so --  
18 cuz I know, I was there for the NCAA tournament  
19 time and frankly, the crowd was a little light for  
20 taking a Thursday afternoon off, watching some  
21 games on their big screen TV. And so not that I  
22 could see it coming, but the crowd was a little  
23 light, so it was June of 2009.

24 I do want to just simply respond one  
25 final thing: I did talk to Alderman Bauman



1       yesterday. I didn't -- it wasn't that I didn't  
2       know they were no longer serving lunch up until the  
3       other day, but it was that I did not know when they  
4       decided to stop serving lunch; and frankly, that's  
5       one of the reasons why we recognize it's important  
6       to transition the agent duties to Joshua who is  
7       there on a day-to-day basis and then can  
8       immediately recognize that.

9                        This is an operational change.

10       Perhaps when I see the Alderman next, or I should  
11       place a quick phone call or send him an E-mail to  
12       let him know this is what's going on. So again,  
13       that -- and Alderman Bauman spoke to that, that  
14       that's one of the perils of being an agent not  
15       responsible for the day-to-day responsibilities.

16                        But we recognize that, we're going  
17       to change that, but we do believe we're in  
18       compliance with our plan of operation and we will  
19       serve lunch when we have people to buy it from us.  
20       And hopefully a lot is going on down there. Aloft  
21       Hotel is about to open, Maduren is going to go up.  
22       If something would be built in the Park East, that  
23       would be great, it would create a nucleus of people  
24       in daytime traffic; but the Journal Sentinel keeps  
25       cutting staff. There just isn't the typical



1 Cathedral Square foot traffic or Milwaukee Street  
2 foot traffic that has office buildings feeding  
3 that.

4                   And just for the record, we do  
5 recognize the German Beer Hall and Brat House are  
6 open for lunches. Our menu that's in the record  
7 shows \$7.00, \$8.00, \$9.00 type of sandwiches,  
8 entrees; they have a \$5.00 link, side and beverage  
9 special that we frankly can't compete with; and I  
10 guess that works for them but we're more than a  
11 sausage that we'll give someone for lunch.

12                   Buck Bradley's is open for lunch,  
13 Mader's -- both wonderful restaurants for certain  
14 type of food connoisseur and I believe Brick Three  
15 is open for lunch that has a service bar license  
16 only. But as far as we understand, Sweet, Buckhead  
17 Saloon, Lucille's, Tutto and Notae are not open for  
18 lunch, as I believe Tutto at one time was but,  
19 similar to us, we believe they pulled their lunch  
20 hour back and aren't doing it. And also,  
21 importantly, to show that it is a tough economy out  
22 there, we've had Capone's on that street recently  
23 closed. I went there for lunch -- it was good  
24 pizza. African Hut closed --

25                   THE CHAIRMAN: Mr. Randall, I think



1 we get the picture here. I understand, I  
2 understand, and the economy doesn't necessarily  
3 help, because I think that many people are reducing  
4 or withholding their number of occasions where  
5 they're going out to lunches.

6 There were neighbors that were here  
7 to testify -- can we see a show of hands? Okay,  
8 three, four, five. I'm going to ask you to raise  
9 your right hands, please, right now, we'll swear  
10 you in.

11 (Whereupon Staff Assistant Toby  
12 Black, swore in MR. DAN PAGET, MR. ANDREW WAGNER,  
13 MR. WALTER PAGET, MS. ERIN MAC DONALD and MR. TOM  
14 ERD to tell the truth, the whole truth and nothing  
15 but the truth.)

16 THE CHAIRMAN: Okay. Here's my  
17 rules: Unless you are not physically able, I'm  
18 going to ask you to take a seat in the front row.  
19 All the individuals who intend to testify, take a  
20 seat in the front row. We're going to utilize the  
21 standing microphone. If you are unable to utilize  
22 the standing microphone and do need to take a seat,  
23 we'll ask you to take a seat here at the front  
24 table; otherwise we'll need your name, the spelling  
25 of your name if it is a difficult pronunciation,





1           difficult spelling, your address and then your  
2           reason for testimony.

3                         We'll ask that you limit your  
4           testimony to no more than two minutes.  If it  
5           starts to get to the point where your testimony is  
6           redundant, if you're No. 3 or 4 in line and the two  
7           or three people said everything you wanted to say,  
8           your name and address and just a simple statement  
9           of, I concur with the testimony that's already been  
10          stated.

11                        Having us hear loud music five  
12          times, I hear loud music every night, it wakes me  
13          every night -- by the time we get to the fifth  
14          person we understand and you can just say, I  
15          substantially agree with the testimony that has  
16          been already stated.  Sir, we'll take you first --  
17          you're first in order.  Name and address?

18                        MR. DAN PAGET:  Dan Paget, 1019  
19          North Old World Third Street.

20                        THE CHAIRMAN:  And the spelling of  
21          Paget, please?

22                        MR. PAGET:  P-A-G-E-T.

23                        THE CHAIRMAN:  Mr. Randall?

24                        MR. RANDALL:  Just for the record,  
25          Alderman Bauman did identify some roof top deck



1 issues. I was going to respond to them, but I  
2 suspect that's part of what Mr. Paget's going to  
3 talk about; but so the Committee knows, I was  
4 prepared to address that, but I'll allow the  
5 questions at this point.

6 THE CHAIRMAN: Mr. Paget, please.

7 MR. PAGET: I'm also owner of Buck  
8 Bradley's and I live on the third floor of my  
9 building and I have issue with their patrons coming  
10 across the roof onto my property; vandalism,  
11 damage, and that's where I'd like to start.

12 I talked to Alderman Bauman, called  
13 the police, I've talked to the managers two, three,  
14 four, five times. Also -- but anyways, the noise  
15 and -- but the real reason that I'm here is that  
16 someone could get killed on this roof. I'm  
17 wrestling with kids at night time, drunk and  
18 stupid, and it's out of control. The parapet walls  
19 are about up to your knee, you could tumble off the  
20 roof and instead of calling the police, you could  
21 call an ambulance, so that's my main issue and  
22 that's it.

23 THE CHAIRMAN:

24 Q Which building do you reside in in relation to this  
25 location?



1 A It's two buildings over; the Athletic Club is in  
2 the middle of Bootleggers and Buck Bradley's. I've  
3 got a personal deck that I utilize on top of the  
4 building, but I haven't used it in over a year.

5 Q Is there anyone that's climbing from one building  
6 to another?

7 A Yah, they climb from the rooftop bar onto the other  
8 building and then get onto my roof.

9 Q Okay. And you have brought this to the attention  
10 of --

11 A Many times, many times.

12 Q And is it your contention that not enough has been  
13 done?

14 A Actually, nothing's been done.

15 THE CHAIRMAN: Okay. All right.

16 Thank you. Questions by the Committee?

17 ALDERMAN KOVAC: Mr. Chairman?

18 THE CHAIRMAN: Alderman Kovac.

19 ALDERMAN KOVAC:

20 Q How often do you see people on your roof, or  
21 evidence that people were on your roof?

22 A Like I said, I live on the third floor; I hear  
23 noise, I run up to the roof, argue, wrestle, they  
24 run back to Bootleggers; and if you call the  
25 police, it just takes to long, I don't want to



1           bother the police.

2                           One time they stole my flag. Can  
3           you put the picture back up?

4   Q       Just give us your testimony here.

5   A       I have a 10-foot flag that's on my roof and I found  
6           a kid climbing the pole and stole my flag. I  
7           caught him, came down to Bootleggers. I mean, it's  
8           dangerous up there -- it's pitch black; and the  
9           main thing that could happen, someone could die up  
10          there, fall off that roof and then it's too late.

11   Q       And so it's pretty regular then?

12   A       Regular.

13   Q       And how often -- we have one item in the police  
14          report where a police officer observed people being  
15          blatantly over served. You mentioned that you've  
16          seen people beyond the point --

17   A       Well, the flag stealing issue I did call the  
18          police. I think they issued a trespassing  
19          ticket -- I don't know for sure -- but it just  
20          takes too long. Once you get up there, you've got  
21          to run downstairs --

22   Q       I mean specifically for our record, I want to know  
23          how often, roughly speaking, or how frequently you  
24          observed people who have clearly been over served  
25          at this bar?





1 A Downstairs -- I mean, I'm not -- in my business I'm  
2 not saying that my business is perfect, but this  
3 rooftop bar is an issue, it's very serious up there  
4 and, you know, nothing happens.

5 ALDERMAN ZIELINSKI: Mr. Chairman?

6 THE CHAIRMAN: Alderman Zielinski.

7 ALDERMAN ZIELINSKI:

8 Q When you say nothing happens, who did you  
9 specifically speak to about the problem?

10 A I talked to yourself (Addressing Mr. Hurley), I  
11 think there's two other managers -- don't know the  
12 names.

13 Q Okay, I get the idea. So, sir, why wasn't anything  
14 ever done? (Addressing Mr. Hurley)

15 THE CHAIRMAN: We'll have Alderman  
16 Hamilton move to make a submission of photos  
17 provided by Attorney -- agent Randall as part of  
18 our record in this proceeding. Hearing no  
19 objections, so ordered. Go ahead.

20 MR. HURLEY: After the first  
21 conversation with Dan, you can see where on the  
22 bottom left that there -- that's what they were  
23 jumping on. You could just walk right up there and  
24 just kind of climb right up and go over. And then  
25 you can see the other three pictures what we built.



1                   If you stand up to this, the only  
2                   way you can get on is you actually hop onto a chair  
3                   or table to jump over that to go, which we -- after  
4                   we did build it, we did have that that one time.  
5                   At that point we pulled every chair away from that  
6                   area, every table away from that area and there's a  
7                   security officer and we have not had a problem  
8                   since then.

9                   MR. PAGET: That's wrong. Even when  
10                  the bar was closed on the roof I've had people  
11                  over -- just this last Marquette game. I mean,  
12                  it's dangerous up there, it's an easy fix. I don't  
13                  know what the problem is. If you came to me with  
14                  the problem, I mean, I'd take care of it. It's  
15                  been almost two years.

16                  MR. ZIELINSKI: Okay, thank you very  
17                  much.

18                  THE CHAIRMAN: Any questions by the  
19                  Committee?

20                  MR. RANDALL: Mr. Chairman?

21                  THE CHAIRMAN: If you want to hold  
22                  on, please, there may be additional -- questions  
23                  only, please.

24                  MR. RANDALL: No problem.

25 Q               Mr. Paget, I just want to -- Alderman Kovac was



1 asking you, and I'm not sure I heard a clear answer  
2 to the question, but how often -- how many times --  
3 not lots of times, but can you give us a number of  
4 about how many times --

5 A In the past two years, I don't know exactly but  
6 many.

7 Q Would it be fair to say that you may have talked to  
8 the Bootleggers' management twice about it; would  
9 that be an accurate number of times that --

10 A No, I'd say -- I'd say a lot more. I don't have  
11 exact numbers; but what I am saying is that roof  
12 top bar is dangerous and it's pitch black up there,  
13 I'm wrestling with these kids and someone's going  
14 to get seriously injured and nothing's been done.

15 Q Just to understand, though --

16 A Ask your client here; I mean, we've talked many  
17 times. The pitch black area --

18 Q Sir --

19 THE CHAIRMAN: Mr. Paget.

20 MR. RANDALL:

21 Q The pitch black area, the area you view to be  
22 dangerous, is that the Bootleggers' roof top  
23 operation or is it two stories away -- two doors  
24 away?

25 A That's when they cross over from the Athletic, when



1           they climb up that -- what you can show in your  
2           picture, and then they go onto my roof. I've got  
3           my air conditioners up there, I've got a private  
4           deck -- it's just dark. And the walls are only up  
5           to your waist, at the most; and you can tumble off  
6           there and you're not coming back when you fall.

7 Q        So your concern is the private property that you  
8           own and what could happen when someone's on your  
9           property?

10 A       Exactly -- it's dangerous.

11 Q       Thank you.

12 A       And I don't understand why it's not taken care of.

13 Q       I understand -- we'll respond.

14 A       I've talked to them two years.

15                           THE CHAIRMAN: Mr. Paget, thank you.

16                           MR. RANDALL:

17 Q       Mr. Paget, you talked about vandalism damage. Have  
18           you explained that to Bootleggers and, if so, have  
19           they offered to pay or replace or repair anything  
20           of yours?

21 A       I've tried to talk but I don't get any response.

22           I've got a rubber roof up there, it's for rain, not  
23           for walking. I've got a private deck. I found  
24           three kids in my hot tub up there, stole my flag.  
25           I mean, we're in war time and these kids are





1 stealing my flag. I mean, you tell me.

2 Q And there's a rubber roof, but -- explain what's on  
3 your roof; there's a hot tub, flag, what other  
4 equipment?

5 A I've got lawn chairs -- it's just a place to get  
6 some peace and quite.

7 Q You also testified a little bit about noise, and  
8 can you explain if you have a concern about noise  
9 coming from the Bootleggers roof top or is it noise  
10 occurring on your private property if someone  
11 trespasses and comes over there?

12 A It's just people running on my roof creates a  
13 problem.

14 MR. RANDALL: I don't have any other  
15 questions. Thank you.

16 THE CHAIRMAN: Thank you. Next  
17 witness, please.

18 MR. WAGNER: My name is Andrew  
19 Wagner, W-A-G-N-E-R; address 1029-C as in cat,  
20 North Old World Third Street; and I should have let  
21 Mr. Bauman know, I have returned. My roommate and  
22 I formerly lived at this exact residence beginning  
23 in April of 2006. We moved out last Summer, due to  
24 some work relocations, and returned this Summer. I  
25 rent from Tom Erd.



1                   When Bootleggers came into the  
2 neighborhood -- and I apologize, I'm going to be  
3 blunt -- they were a problem to start with; and we  
4 expressed our concerns to Mr. Randall and him and I  
5 have a greatly different opinion of the word  
6 "improvement" to the street. I also spoke with  
7 Alderman Bauman.

8                   I was informed at the time that the  
9 rooftop patio would have a privacy screen erected  
10 around it. Well, I can tell you first hand there  
11 is no such privacy screen because I sit on my couch  
12 and I have people staring into my window. I have  
13 people screaming into my window; and despite your  
14 claims of adequate security, I have people throwing  
15 things at my window on a regular basis when that  
16 patio is open.

17                  Further, there are no shades or  
18 draperies on any of their windows facing that north  
19 alley, and all provide ample viewing into my home,  
20 onto my patio. We've heard about the police report  
21 with one intoxicated person that was spotted by an  
22 officer in March -- well, I invite that officer to  
23 come spend a weekend at my apartment -- any  
24 weekend -- and I guarantee you can see that at  
25 least five times a night.



1                   I understand that you guys do a  
2                   great job of getting people off your premises --  
3                   that's fine. Once these people get out into the  
4                   alley, they trash our cars, they trash our  
5                   neighborhood; they throw up on our front step, they  
6                   throw up on our doors; they ring our doorbells,  
7                   they break our windows. I'm sorry, I've never had  
8                   a problem with other bar patrons on the street  
9                   until Bootleggers came in.

10                   The alley between our apartments, if  
11                   you want to put the picture back up, I used to park  
12                   my car in that alley -- had a little issue with the  
13                   city with parking tickets. When I moved back, I'd  
14                   constantly get harassed by Bootleggers' staff for  
15                   saying, you can't park there, this is private  
16                   property. No, it's city property. They park our  
17                   dude in, there's no place for us to get into our  
18                   home and well, their only response often times is  
19                   vulgarity.

20                   So I'm sorry, but Bootleggers is a  
21                   nuisance on the street. Every other bar finds a  
22                   way to operate. They have a business model that  
23                   works. You say your lunch business doesn't work --  
24                   well, every one else seems to find a way to do it.  
25                   Bootleggers does not cater to your average downtown



1 event-going patron; they cater to your college  
2 kids, they cater to underagers, they cater to  
3 people who are just looking to get intoxicated and  
4 get intoxicated quick and that is a blemish in our  
5 neighborhood.

6 THE CHAIRMAN: Questions by the  
7 Committee?

8 MR. ZIELINSKI: Mr. Chairman?

9 THE CHAIRMAN: Mr. Zielinski.

10 MR. ZIELINSKI: Just to follow-up on  
11 a point that this gentleman raised about the  
12 type of clientele that this group works with. What  
13 have you done to market your afternoon lunches?

14 MR. HURLEY: We've been everywhere  
15 from flyering to businesses, business packets to  
16 businesses to using the Shepherd's, using the Onion  
17 to using the radio.

18 MR. ZIELINSKI: You advertised on  
19 the radio and the Shepherd and all these other  
20 papers that you mentioned in terms of the lunch  
21 menu that you have available?

22 MR. HURLEY: Correct.

23 MR. ZIELINSKI: Thank you.

24 THE CHAIRMAN: Other questions by  
25 Committee? Mr. Randall, any questions?





1 MR. RANDALL: Yes.

2 Q Mr. Wagner, you indicated -- did I hear you  
3 correctly that you don't have blinds or shades or  
4 drapes on your windows or Bootleggers doesn't?  
5 A Bootleggers doesn't; we have blinds and shades.  
6 Q Okay. And you object to looking into Bootleggers  
7 and what you see?  
8 A I object to having to hear their music coming in,  
9 having to look out my window and see what's going  
10 on down there. In fact --  
11 Q Are we talking the second floor Bootleggers  
12 windows?  
13 A Second floor, yup, and their patio looks directly  
14 into my living room and directly onto my patio.  
15 Q So do you have a second and third floor unit?  
16 A I have a third floor.  
17 Q And so your objection is looking into the  
18 unscreened windows of Bootleggers on the second  
19 floor and what you may see in there?  
20 A That's part of it, yes.  
21 Q Have you raised that with Bootleggers or asked  
22 them --  
23 A We have in the past.  
24 Q -- to put up blinds?  
25 Q Let me state the question first, please. Have you



1 raised that with Bootleggers or asked them to put  
2 up shades, blinds or drapes?  
3 A We have done that in the past.  
4 Q And what kind of response did you have?  
5 A None.  
6 Q And when was that?  
7 A This would have been before you built the first  
8 time, which would have been last Summer.  
9 Q And do you remember with whom you spoke at  
10 Bootleggers?  
11 A I've contacted you several times because we were  
12 told that you were the contact for it.  
13 Q That's correct. Do you have any recollection of  
14 raising the blinds, shades or drapes with me or was  
15 it --  
16 A Yes, I do; and I do not have the E-mail with me but  
17 I can provide that for the full Committee, just as  
18 we have this copy of the E-mail or letter from you  
19 after our first complaint which says, and I quote:  
20 "You registered a concern about the rooftop deck  
21 and whether any screening will be erected for  
22 privacy. We have already communicated this concern  
23 of yours to both our clients and the project  
24 architect and have been asked to inform you that  
25 Bootleggers rooftop deck, quote, will include



1 screening elements." I'd like to see those  
2 screens.

3 Q That -- just to clarify, I thought we were talking  
4 about windows on the second floor.

5 A We've talked about those. I understand where  
6 you're trying to go with this, but I talked about  
7 both. I talked -- I opened my statement by saying  
8 we were told there would be rooftop screens -- your  
9 words, Mr. Randall, your exact words. This is the  
10 last we ever heard of you on the issue. There are  
11 no rooftop screens.

12 This is -- I understand -- this is  
13 the response I get from Bootleggers the past:  
14 Well, you live in a bar neighborhood, you live  
15 downtown, what do you expect? Well, the residences  
16 were there before the bar and I guarantee if a  
17 licensee came before the Council in a residential  
18 neighborhood and said, we'd like to open a bar with  
19 a full rooftop deck less than a 100 feet from a  
20 house or an apartment, the Committee would shoot  
21 that down in a second.

22 I invite any of you to come over  
23 this weekend and sit on my patio. I called the  
24 police earlier this Summer because at 4:30 in the  
25 afternoon they're testing their new rooftop



1 speakers. I mean, not even minding the fact that  
2 it was the Fray of all bands, but still, why should  
3 I have to hear that in the middle of the afternoon?  
4 And now I look on your front window today and tell  
5 me what your big advertising is for New Years --  
6 oh, yah, a live DJ on the rooftop deck -- that's  
7 going to be great.

8 Q Mr. Wagner -- and I'll get to the rooftop deck in a  
9 minute -- my questions were about screening of the  
10 windows, and I did hear you talk about the rooftop  
11 screening, and I believe you accurately read my  
12 letter and that pertained to rooftop screening, did  
13 it not?

14 A Yes. Would you like an answer on the second --

15 Q Sure.

16 THE CHAIRMAN: And I just want to  
17 interject, because we're falling further and  
18 further behind. I appreciate -- I will provide two  
19 minutes for testimony. If there's a question  
20 asked, I would ask that individuals answer the  
21 question and try to limit it to answering the  
22 question.

23 I understand that -- because what  
24 we're getting is, I get my two minutes and then I  
25 answer the question and then I go on a tangent





1 about some other area. Please understand that we  
2 have a lot of other -- we do want to hear all the  
3 testimony as we can to make a decision, but we do  
4 have limitations and we are falling further behind,  
5 so that's why I ask that -- please.

6 MR. RANDALL:

7 Q And I'll try to be brief, but I asked a quick  
8 question and we had a long answer there.  
9 Mr. Wagner you talked about -- let's move to sound  
10 and noise. Is it your testimony that I had -- and  
11 actually I wanted to correct something Alderman  
12 Bauman said on what the record shows for our  
13 rooftop music after 11:00 p.m.; in fact it's 10:00  
14 p.m., that's what our license states and that's  
15 what we operationally do, so let the record  
16 certainly reflect it's 10:00 p.m., we do not play  
17 till 11:00 p.m.; although I do want to ask  
18 Mr. Wagner, do you wish to testify that the rooftop  
19 has excessive noise after 10:00 p.m.?

20 A I do and I'd be happy to provide video evidence of  
21 that.

22 Q Do you have it with you today?

23 A Today? No. I, like you, returned from Lambeau, so  
24 --

25 Q Do you have any dates of when those instances



1           occurred?

2   A       I have dates, I have photographs, I have videos,  
3           all dated.

4   Q       But not with you?

5   A       Not with me.

6   Q       Okay, thank you. You talked about vandalism and  
7           breaking of windows. Have you -- have you seen  
8           people leave Bootleggers and break windows or  
9           perform vandalism on property you own?

10  A       Yes, I've seen -- on my -- that I own? Yes, I've  
11           seen that, I've also seen it on property other  
12           people own. I've seen people --

13  Q       Can you give us some details, please?

14  A       I've seen people walk by and key-up cars; I've seen  
15           people walk by and smash bottles that -- I don't  
16           know where they're coming from -- I see inside the  
17           bar, smash bottles on the floor. I've seen people  
18           throw things at our apartment building; I've seen  
19           people throw up on the fence windows on the lower  
20           level.

21  Q       So one thing you said, you don't know where people  
22           are coming from when they're on the ground, but --  
23           and I want to get to the rooftop and throwing  
24           things at your apartment. But have you seen people  
25           leave Bootleggers and come and do any of those



1 actions or do you just assume that they're coming  
2 --

3 A Yes, I have seen people leave Bootleggers and  
4 commit those actions.

5 Q And can you explain your apartment layout and how  
6 that's possible? Are you walking from room to room  
7 to follow this action?

8 A I do. I go -- at closing time, if I'm home, I go  
9 downstairs and I watch what goes on on the street  
10 and if I see something goofy going on I go back  
11 upstairs and I do follow or I lean off my back  
12 patio and I watch, I take pictures and I document  
13 it.

14 Q And do you have any of that with you today?

15 A I do not have it with me today.

16 Q As far as the roof top items, things that may be  
17 thrown at your property, have you reported that to  
18 Bootleggers, and if so --

19 A Yes, Bootleggers -- Josh is -- my downstairs  
20 neighbor has reported it to Bootleggers and the  
21 police.

22 Q And what action, if any, have you seen Bootleggers  
23 take?

24 A Very little.

25 Q Have you seen any of their security or bartenders



1 on the rooftop eject people or remove them from --  
2 A I rarely see security personnel on the rooftop  
3 deck; they're standing over by the door and that's  
4 about it.  
5 Q And that's because you do watch out your windows a  
6 fair amount?  
7 A Yes, we do.  
8 Q And you've lived there -- can you explain the time  
9 that you lived next door?  
10 A I moved in in April of 2006; I vacated the premises  
11 last year mid August, I believe it was, and then we  
12 returned this year in July.  
13 Q July, so since July you've resided there?  
14 A Yes.  
15 Q You talked about the alley and your use of that.  
16 It's a public alley, correct?  
17 A Yes.  
18 Q And do you have a permit to park there or what's  
19 the -- what is your understanding of rights to use  
20 the alley?  
21 A Well, the tickets -- I no longer drive and I'm fine  
22 with that. The tickets I've received in the past  
23 were no parking in a central business district  
24 alley, no parking in --  
25 THE CHAIRMAN: I don't -- I don't --





1 I'm going to rule that question out of order here  
2 so we'll ask you to move on.

3 MR. RANDALL: Then I have no other  
4 questions.

5 THE CHAIRMAN: All right, thank you.

6 ALDERMAN KOVAC: Very briefly.

7 Q You've already said this, I just to make sure we  
8 have it on the record: You said we could come to  
9 your patio --

10 A Any time.

11 Q -- any time -- not necessarily taking you up on  
12 that, but if we did, because of what you've seen,  
13 five times a night, what do you see? Do you see  
14 signs of obvious drunkenness?

15 A Obvious drunkenness, potential for fights to break  
16 out at any time; people screaming, yelling as they  
17 walk out, people screaming and yelling on the deck.  
18 You'll see vomit on any given weekend -- not  
19 pleasant.

20 Q Are you seeing this on the deck, in the bar,  
21 outside of the bar?

22 A I see it outside, I hear it on the deck. You can  
23 look through the window and you can see clear as  
24 day what's going on down there.

25 MR. KOVAC: Okay.



1                   MR. RANDALL: Mr. Chair, I have  
2 follow-up questions to that.  
3 Q Mr. Wagner, can you qualify what obvious  
4 drunkenness is as far as --  
5 A Stumbling, inability to stand, urinating in public.  
6 Q And you see that five times a night when you look  
7 out your window?  
8 A You can see that frequently during the night.  
9 Q And do you -- it sounds like you're pretty  
10 observant. With this being an entertainment  
11 district, a lot of other establishments, do you see  
12 that at any other locations on Old World --  
13 A I don't, and I go to a lot of the establishments on  
14 Third Street.

15                   MR. RANDALL: Thank you, no other  
16 questions.

17                   THE CHAIRMAN: Thank you. Next  
18 witness, please.

19                   MR. WALTER PAGET: Good morning,  
20 Committee.

21                   THE CHAIRMAN: Almost afternoon  
22 here.

23                   (Whereupon there was some brief  
24 laughter at this point.)

25                   THE CHAIRMAN: Go ahead, name and



1 address, please.

2 MR. PAGET: No problem, Alderman.

3 My name is Walter Paget, P-A-G-E-T; 545 Highview  
4 Court, Elm Grove, Wisconsin. I'm the registered  
5 agent of the LLC that owns the building known as  
6 Buck Bradley's. My brother Dan is the resident on  
7 the third floor.

8 Again, to speed this up and not be  
9 redundant, I agree with all of his complaints about  
10 what's going on on the third floor. The one facet  
11 that he did not mention about his hot tub incident,  
12 with three guys in it, they were all disrobed, that  
13 ended up coming on -- over from the roof, which was  
14 a wonderful thing to find on the Fourth of July.

15 The facets are this: I end up  
16 hearing about the security from the testimony. How  
17 in the world are they getting onto our roof with  
18 all this wonderful security?

19 Facet No. 2: I hear about the one  
20 and-a-half beverage policy in front of a patron,  
21 yet they're running an all-you-can-drink special on  
22 New Year's Eve for a cover charge -- not to mention  
23 the fact that the line ends up going so far that I  
24 end up having my patrons, which end up being of a  
25 different demographic, that need to end up going



1 through this line that is stretching from them.  
2 Let's just say their demographic ends up being a  
3 little bit louder, a tad bit more coarse as my  
4 demographic ends up trying to go through them --  
5 and they're not all that pleasant to my patrons.

6 Again, I know the Committee's time  
7 is short, I thank you for your time. And that's  
8 about -- after what my brother's already stated and  
9 for the other individuals that are going to  
10 testify -- Andrew especially -- I'm finished up.  
11 Thank you.

12 THE CHAIRMAN: Thank you for your  
13 brevity. Questions by the Committee? Mr. Randall.

14 MR. RANDALL:

15 Q Mr. Paget, I asked your brother this question --  
16 I'm trying to understand the number of times for  
17 the rooftop incidents. Do you have a number in  
18 mind -- is this just many?

19 A Definite numbers that I've been involved with, six,  
20 with physical contact. That does not even include  
21 the amount of times that my brother ends up hearing  
22 people on his roof, like Santa's little reindeer,  
23 and he has to run on up there.

24 Q And I believe that -- I am aware of, through your  
25 calls to John Finerty, one of my partners, of two





1 times where you initiated this contact to let us  
2 know of that. Do you know of any other times where  
3 you or your brother contacted Bootleggers?

4 A Yes, direct one time with again, as my brother  
5 mentioned, with flag in hand.

6 THE CHAIRMAN: Well, I want to -- I  
7 want to get to only those which you contacted here,  
8 because you know as well, I don't want to get into  
9 hearsay of him saying he heard from his brother.

10 MR. RANDALL: Fair enough.

11 THE CHAIRMAN: Good.

12 THE WITNESS: My direct contact,  
13 three phone calls directly with your office; with  
14 Bootleggers staff, two direct contacts -- the  
15 second one being so dissatisfactory that that's why  
16 I got involved with Mr. Finerty.

17 MR. RANDALL:

18 Q And is it your testimony that not enough has been  
19 done from your perspective following those  
20 contacts?

21 A That is the understatement of this morning.

22 THE CHAIRMAN: I take that as a yes.

23 THE WITNESS: Yes.

24 MR. RANDALL:

25 Q Mr. Paget, are you aware of what the other drink



1 specials on Old World Third Street are for New  
2 Year's Eve? You testified you were aware of what  
3 Bootleggers was.

4 A I'll tell you about the past New Year's Eve.

5 Q So can you tell us what last New Year's Eve drink  
6 specials were all up and down Old World Third  
7 Street? Well, let's start for your premises, what  
8 was yours, if any?

9 A Party favors, a free Champagne toast -- that's  
10 it -- no cover charge.

11 Q Are you aware of any other establishments and what  
12 they're --

13 A I believe that the German Beer Hall, which also is  
14 our tenant, ended up just having the exact same  
15 thing. Again, they were the only place on the  
16 street that I knew of that was going \$40.00, all  
17 you can drink until you close.

18 Q That's very specific. Do you know of any other  
19 establishments last New Year's Eve that had  
20 all-you-can drink specials?

21 A No, I don't.

22 Q Thank you. Finally, you talked about your  
23 demographic and the line that may stretch in front  
24 of Buck Bradley's. When does this typically occur,  
25 is it 10:00 p.m., 11:00 p.m.?



1 A No, your drink specials start -- like for your  
2 Halloween party, everyone wants to get in there  
3 because you're running them maybe from 8:00 to  
4 10:00 -- that's not an all-you-can-drink night,  
5 night like New Year's Eve; but hey, my problems end  
6 up running from 8:00 to about 11:00 o'clock because  
7 that's when you guys line up.

8 Q And your demographics at that time are different  
9 than what you're observing Bootleggers are?

10 A Most certainly. If I end up having a rehearsal  
11 dinner or a business party, or let's say a  
12 retirement dinner, those aren't people that should  
13 end up getting harassed by -- I'm not going to say  
14 minors, but let's say someone real close to that,  
15 going into an establishment as they're trying to  
16 exit. While my clients are trying to end up  
17 leaving, to get a cab -- I'm not going to end up  
18 using the language, but it's just ridiculous that  
19 security wouldn't -- you end up going over and  
20 asking individuals, hey, your line and your  
21 customers are being a little bit rude. This  
22 elderly lady, who's just trying to get out of my  
23 place, and security goes, where's the line supposed  
24 to go?

25 Q So, your testimony is that you've --



1 A This is a personal one, yes.

2 Q You have talked to --

3 A Yes.

4 Q -- at more than once or just once?

5 A Yes.

6 Q And are you aware of any instances where the line  
7 may go the other way away from your property or --

8 A It started -- when they first opened up, that's  
9 what they told me they were going to do, but as  
10 soon as -- I told Geovani and the complainant about  
11 that, they ended up directing it over in this  
12 direction.

13 Q And from your view point you'd prefer them not to  
14 do that?

15 A Oh, I definitely would prefer that.

16 Q Do you ever have a line outside of Buck Bradley's,  
17 and if so, which way does it go?

18 A The only time that I've ever had a line out of Buck  
19 Bradley's is when a Bradley Center event ends up  
20 exiting and that ends up going into a Journal  
21 parking lot across an alley from my front door.  
22 Again, my clientele ends up not storming the  
23 building.

24 MR. RANDALL: Mr. Chair, I have to  
25 keep asking questions, because of the testimony.





1 Q What is storming the building?

2 A When you're opening your doors at 8:00 o'clock and  
3 you end up saying you're going to end up running  
4 One Dollar beers for one hour, that's storming the  
5 building.

6 Q Opening the doors --

7 A We're open for the entire day and people come in at  
8 a civilized pace.

9 Q Simply opening the door storms the building or the  
10 people storm the building and --

11 A Because they're lined up because the drink specials  
12 start at a certain time and only runs for a certain  
13 amount of hours.

14 Q And how many people are storming the building, in  
15 your typical --

16 A Well, they end up going through this -- it's  
17 probably about 150 feet in front of my place, so  
18 you figure three feet per person -- I'm trying to  
19 be brief --

20 THE CHAIRMAN: Just say Wal-Mart on  
21 black Friday here.

22 THE WITNESS: Wal-Mart on black  
23 Friday, thank you.

24 (Whereupon there was some brief  
25 laughter at this point.)



1 MR. RANDALL: Thank you, Mr. Chair,  
2 I don't have any other questions.

3 THE CHAIRMAN: All right. Thank  
4 you.

5 CITY ATTORNEY TOM MUELLER:  
6 Mr. Chair, can I just ask --

7 THE CHAIRMAN: No.

8 MR. MUELLER: -- a real brief  
9 question?

10 THE CHAIRMAN: Well, I just -- I  
11 think the dots have been connected very thoroughly,  
12 Mr. Mueller, here.

13 MR. MUELLER: I'm trying to create a  
14 record.

15 THE CHAIRMAN: One question and then  
16 you're going to elicit three others and then I'm  
17 going to ask the Committee to stop, okay, and you  
18 included. Go ahead.

19 MR. MUELLER:

20 Q You testified that you have observed people on the  
21 roof six times. I just need you to connect the  
22 dots here. Why do you say that they're coming from  
23 the licensee's rooftop bar?

24 A That would be the only place they could come from.  
25 There's not rooftop access from the direct



1 neighbor. There is not rooftop access to the  
2 buildings directly to the south, two over. I  
3 believe where Cousins is, the old Donges building,  
4 I think they might end up having some rooftop  
5 access but that ends up being a property owner --  
6 that ends up being somebody that I believe is  
7 renting a \$700,000.00 condo -- or lives -- is  
8 buying a \$700,000.00 condo. I don't think that  
9 they end up having three youths in their late 20s  
10 skinny dipping in my brother's hot top.

11 MR. MUELLER: Thanks.

12 MR. RANDALL: Mr. Chair, one follow  
13 up.

14 Q The six instances that Attorney Mueller asked you  
15 about, is that -- are those times that you've seen  
16 people or you've seen evidence of people?

17 A I believe my testimony ended up being I had six  
18 direct contacts of -- of direct contacts with  
19 Bootleggers patrons on our property. My own  
20 personal contact was two.

21 MR. RANDALL: Thank you.

22 THE CHAIRMAN: All right, thank you.  
23 Next witness, and as she's coming up, I'm going to  
24 state the obvious to the Committee: I see that we  
25 all see that this room is filling up considerably



1 and we're falling further and further behind. If  
2 you have questions from this side of the aisle,  
3 make certain that it has to do -- that it will make  
4 a difference, otherwise I think it's a pretty good  
5 record.

6 Ma'am, name and address for the  
7 record, please.

8 MS. MC DONALD: Erin MacDonald, 1029  
9 North Old World Third Street, Apartment B, which is  
10 immediately north across the alley from  
11 Bootleggers.

12 They're kind of going into detail  
13 about what Mr. Wagner has stated; I agree with many  
14 of the things he did state -- he is actually my  
15 upstairs neighbor. But just a little bit more  
16 detail: I started living at that apartment as of  
17 May of 2008; that was the first Summer Bootleggers  
18 was open and we had many issues.

19 We have a very large patio that you  
20 can see from their rooftop deck. We have many  
21 issues coming home, having glass bottles and broken  
22 pint glasses shattered on our deck; and to my  
23 knowledge, any rooftop bar in the city has to pour  
24 their drinks in plastic.

25 Towards the middle of that Summer my





1 roommate and I ran into -- I believe they were the  
2 developers of Bootleggers from Minnesota, they were  
3 coming into town just to check out the space, I  
4 believe, and we did have a conversation with them  
5 in the alley regarding putting the glass -- putting  
6 drinks in plastic cups as patrons were coming up to  
7 the rooftop deck. That started but it was was  
8 never consistent -- we still had issues with that  
9 through that Fall.

10 Also, having beer bottles and pint  
11 glasses thrown across the building -- across the  
12 alley, onto the building, shattering against the  
13 building, falling into the alley, falling on  
14 pedestrians and, you know, possible patrons for  
15 anyone on the block. And this past Summer, I  
16 believe, they started pouring everything into  
17 plastic but I guess they found a new thing to toss  
18 across the roof, which was their patio furniture;  
19 and we actually -- we haven't returned it, but we  
20 have two of your patio chairs on our deck that were  
21 tossed over.

22 And yah, and just -- the last thing,  
23 I'll make it quick, the noise again, like Andrew  
24 said, 4:30 in the afternoon testing out their  
25 speakers on their top patio, which I presume, and



1           they weren't even supposed to have.

2                       My roommate and I have contacted the  
3           police department a few times regarding the noise  
4           and they have went to Bootleggers every time, have  
5           contacted us again asking if we would like to cite  
6           them. No, we don't want to cite them for the  
7           noise, we just want to make them aware but we think  
8           after three times of having the police come into  
9           the building that you would kind of be courteous  
10          and -- as we are with you in not citing you, cuz  
11          I'm sure they would have if we would have said yes.  
12          And that's kind of it.

13                       THE CHAIRMAN: If there are urgent  
14          questions by the Committee -- okay. Questions,  
15          Mr. Randall?

16                       MR. RANDALL: Just a few.

17 Q          Ms. MacDonald, you indicated that you found  
18          materials, glass and things on your patio; but have  
19          you actually seen Bootleggers' patrons or anyone on  
20          the Bootleggers' rooftop throw the things to your  
21          patio?

22 A          Yes.

23 Q          And can you tell us when -- what the contact was,  
24          how many times?

25 A          One time we actually had some friends over and we



1           were on our patio and we did have two beer bottles  
2           thrown over while we were standing and having  
3           drinks on our own patio -- it was the Summer of  
4           2008.

5   Q       And were those glass beer bottles?

6   A       They were glass beer bottles, yes.

7   Q       And you saw someone throw it from Bootleggers?

8   A       Yes.

9   Q       The other times, though, that you find glass, could  
10          it be from the alley to the rear of your patio?

11  A       Well, I mean, it was pint glasses and beer bottles,  
12          so I don't know if you're allowing people to take  
13          pint glasses out of Bootleggers or some other bar,  
14          but it's a pretty high-up patio, we're on the  
15          second story, for someone to launch a pint glass  
16          from the alleyway up onto our deck.

17  Q       But it is possible that that could happen?

18  A       Possibly.

19  Q       And the alley is pretty-well traveled, people  
20          frequently traffic through that alley, right?

21  A       Oh, yah, definitely.

22  Q       Did you -- have you advised -- strike that. The --  
23          the noise issue that you indicated you testified  
24          about, the sound test of the speakers, can you put  
25          that in relation to the buses that go by Old World



1 Third Street or the trucks that go up and down that  
2 alley? How does that music noise compare for that  
3 speaker test at 4:30 in the afternoon?

4 A Well, my roommate and I actually took a walk down  
5 to the end of the block towards State Street; we  
6 could still hear the music and we -- I remember we  
7 stopped by Buck Bradley's as well, as we were  
8 walking towards State Street, just to see how far  
9 we could hear the music and we could definitely  
10 hear it on State Street.

11 Q Thank you. My question, though: Is that area  
12 noisy in general; are there buses that you hear  
13 from your patio, are there trucks in the alley?

14 A Yah --

15 Q What other --

16 A -- of course, we live downtown, there's a lot of  
17 traffic.

18 MR. RANDALL: I don't have any other  
19 questions.

20 THE CHAIRMAN: Thank you. Next  
21 witness, please. Is this the last of the -- okay,  
22 thank you. Name and address, please, sir.

23 MR. ERDMAN: My name is Tom Erd,  
24 E-R-D; I own the building at 1031 and 1029 North  
25 Old World Third Street. I also own a first-floor





1 business there, the Spice House. I'm a part-time  
2 resident upstairs at 1029 Old World Third Street.  
3 Our building is separated by the 28-foot alley,  
4 which was mentioned before.

5 On June 12th, 12:30 a.m. we called  
6 police for extreme noise outside in front of  
7 Bootleggers. And regularly, on Thursday, Friday  
8 and Saturday nights the noise outside on the public  
9 right of way is a dine of hooting and hollering.

10 On June 20th at 1:30 -- and some of  
11 these the SGT. MAC GILLIS has already mentioned --  
12 June 10th, 1:30 a.m. our plate glass window was  
13 broken by a Bootleggers' patron. August 14th, that  
14 same window was broken by a Bootleggers' patron who  
15 threw a garbage can through the window. These are  
16 also on the police record. I also have videotapes  
17 that will document the broken windows and the video  
18 tapes document the decibel levels outside of the  
19 bar at 2:00 a.m. on August -- Sunday morning.

20 September 12th my staff cleaned up  
21 two smashed beer bottles in that alley. October  
22 24th at 8:45 I swept up a used condom in front of  
23 our store, near the street-side garbage can.  
24 November 14th we cleaned up vomit under our  
25 staircase in the alley. November 28th we cleaned



1 up vomit near the 1029 door where the alley meets  
2 Old World Third Street.

3 Bootleggers passes out handbills,  
4 nice four-color handbills to the patrons as they  
5 exit -- these are advertising their specials and we  
6 know where these hand bills end up.

7 THE CHAIRMAN: Why don't you tell  
8 us.

9 THE WITNESS: On the sidewalk and in  
10 the alley. I take issue with Mr. Randall's  
11 assertion that we're -- some kind of so-called  
12 entertainment district exists here; but the entire  
13 block is zoned C-9-G, which is mixed use, which  
14 includes residential.

15 THE CHAIRMAN: I'm going to ask you  
16 to, with your two minutes, wind it down now at this  
17 point.

18 THE WITNESS: Bootleggers has shown  
19 some willingness to discuss these issues with me.  
20 We have had some discussions with them and there  
21 have been incremental improvements in the  
22 situation. I am, however, respectfully asking the  
23 Committee to note the conditions that Bootleggers  
24 is subjecting the neighborhood to and that's all I  
25 have.



1 THE CHAIRMAN: Thank you.

2 Mr. Randall, if you want to hold on to maybe  
3 questions here. Questions by Committee first? In  
4 the incidents that you cite, and read through a  
5 journal of incidents --

6 THE WITNESS: We logged incidents.

7 THE CHAIRMAN:

8 Q Is it video camera footage, is it personal vision;  
9 how is it that you indicate that when you have like  
10 broken windows or other things that you know that  
11 it is specific to the patrons of this establishment  
12 versus other individuals that go to other  
13 establishments?

14 A That's a tough one. You know, you've got a crowd  
15 outside the door of Bootleggers, you've got people  
16 in the alley. We do know that the windows were  
17 broke by Bootleggers' patrons because of police  
18 reports and because of the testimony of the vandals  
19 themselves; however, on the vomit issues and on the  
20 broken beer bottles, I cannot say that they didn't  
21 come from somewhere else.

22 THE CHAIRMAN: Thank you.

23 Mr. Randall?

24 MR. RANDALL: Thank you, Mr. Chair,  
25 a couple of questions.



1 Q June 12, 1009, was that year -- was that the day  
2 that you testified you contacted the police for  
3 extreme noise?  
4 A Yes, at 12:30 a.m.  
5 Q And that's a 2009 complaint?  
6 A Yes.  
7 Q And what did the police do, if anything?  
8 A They didn't respond.  
9 Q And what was the extreme noise; what was going on?  
10 A Bootleggers has outdoor speakers and they were  
11 really loud on that particular night. I'm not  
12 saying they're always that load, but that  
13 particular night they were; and the crowd outside  
14 was especially loud that night -- you could hear  
15 this thing all the way to Juneau that night.  
16 Q And did you contact Bootleggers' staff in any  
17 fashion before or after calling the police?  
18 A There was some brief contact with a person -- a  
19 security person outside saying, hey, you guys, this  
20 is out of line.  
21 Q And did Bootleggers respond in any way, that you  
22 could tell?  
23 A You know, I ended up putting ear plugs in and going  
24 upstairs and going to bed.  
25 Q So you -- you own the business on the first





1 floor --

2 A Correct.

3 Q -- but you also reside on which --

4 A I reside part-time upstairs.

5 Q Which floor, we've had Ms. MacDonald --

6 A I have a second and third floor duplex unit.

7 Q And how many total units are in that building for

8 residential --

9 A There's three residential units.

10 Q So we have Ms. MacDonald, Mr. Wagner and then your

11 unit that --

12 A Correct.

13 Q -- spans two floors?

14 A Correct.

15 Q Thank you. As far as your testimony about

16 documented decibel levels and noise generally, do

17 you have any of that decibel level information for

18 us?

19 A Yes, I do, it's on the video tape here and the

20 decibel readings are at 85 and they're -- it's on

21 video tape.

22 Q And as far as the broken window incidents, you --

23 can you explain how you know that Bootleggers'

24 staff or patrons broke those windows, beginning

25 with the June incident?



1 A I'm unclear on that.

2 Q Did you see someone break the windows?

3 A No, we didn't, this happened at 12:30 or so -- or  
4 no, later than that; however, Bootleggers did offer  
5 to pay for the window and there were people at  
6 Bootleggers that did see that incident.

7 Q And did they explain why they offered to pay for  
8 the window?

9 A Because it was their people, their patrons that  
10 broke it.

11 Q And that's your recollection of the conversation?

12 A Yes.

13 Q And you had that conversation with whom?

14 A With Mr. Hurley.

15 Q And when was that conversation?

16 A That was after our meeting with Alderman Bauman --  
17 and I got to say that was --

18 Q In October?

19 A Yah, and he offered to pay it for it.

20 Q But you didn't see anyone from Bootleggers break  
21 the window in June?

22 A No, I'm sorry, we weren't out at 2:00 in the  
23 morning.

24 Q And the August 14th incident, did you see anyone  
25 from Bootleggers break the window?



1 A No, that -- I mean, we fixed the window the next  
2 day and I'm relying on a police statement for that.

3 MR. RANDALL: And Mr. Chair, I  
4 would -- I do only have one copy of that police  
5 statement; I do believe it is summarized in what I  
6 would like the Committee to review and then put in  
7 the record, but I do have -- and I can show to Sgt.  
8 MacGillis first, we do have the police record for  
9 that.

10 THE CHAIRMAN: You can just provide  
11 a summary of it.

12 MR. RANDALL: Actually I'd like  
13 Michael or Josh to provide the summary of it  
14 because they are aware of the details, and just be  
15 brief.

16 MR. HOFFENBURG: One of our  
17 bartenders was leaving the establishment and going  
18 to the rear where their car was parked. Noticed  
19 that there was a --

20 MR. RANDALL:

21 Q What time was this?

22 A This was about 3:00 a.m. and they saw a cinder  
23 block going through their car -- a drunk gentleman  
24 was walking around doing that. They ran back  
25 inside, grabbed some of our staff, security, who



1 ran after him, detained him, someone called the  
2 police. They called and they were looking down the  
3 street and noticed that -- in following actually  
4 the perpetrator and noticed they were kicking down  
5 garbage cans and also throwing bricks and stuff and  
6 garbage cans through windows and stuff.

7 The patron was not to be sighted in  
8 our building at any time, and it was also noticed  
9 that -- he also -- in the statement that was in  
10 that meeting with Mr. Erd, also noticed that the  
11 police officer that he spoke with said that the  
12 gentleman was on something or deranged. That's  
13 exactly what the police officer said to Mr. Erd.  
14 It is in the statement that we have here, which is  
15 also verified by Mr. Erd.

16 Q Michael, you may have miss spoke; you indicated  
17 "patron" is not to come into your premises. Was  
18 this person a patron of yours that night or at any  
19 other time, to your knowledge?

20 A They were not.

21 Q And did you mean to say this person is -- did not  
22 not come to your premises?

23 A This person did not come to our premises.

24 Q And that you contacted -- or your staff contacted  
25 the police, initiated the contact?





1 A Correct, we had three different phone calls.

2 Q And they found other locations where this person  
3 had been walking down Old World Third Street at  
4 3:00 a.m.?

5 A Correct.

6 Q And you were not open at 3:00 a.m., your staff was  
7 simply cleaning up and finishing their work for the  
8 night?

9 A Correct.

10 Q And can you explain, or maybe Josh can jump in,  
11 with either or both of those incidents, the purpose  
12 of your offer to pay for the window and the  
13 background behind that, briefly?

14 THE CHAIRMAN: I don't know that you  
15 need to read anything, just tell us briefly --  
16 briefly.

17 MR. HURLEY: The first time the  
18 window was broken, it was broken not from a fight  
19 but from two brothers arguing. One of the  
20 gentleman rammed with his elbow. We were standing  
21 there, I was the first one and my security manager  
22 was the second one that saw it. We detained the  
23 gentleman until the police officers got there. At  
24 that point we did offer to pay for the window with  
25 Kate, which is his manager. She quote, unquote,



1           said, "Don't worry about it, it's not a big deal,  
2           but thank you for the offer." That information was  
3           never relayed to them until October.

4                           MR. RANDALL:

5 Q       Josh, you just jumped in. Were these people coming  
6       into Bootleggers or leaving Bootleggers or was it  
7       just people on the street that you happened to  
8       respond to?

9 A       People on the street.

10 Q      So they were not your patrons but yet you took  
11      responsibility for it?

12 A      Correct.

13 Q      And the August incident when the window was  
14      apparently broken the second time --

15 A      Our staff put themselves out there to make sure  
16      that this gentleman was caught, they chased him  
17      down the street.

18 Q      And you simply just offered the Spice House to pay  
19      for their window anyway?

20 A      The second -- the first time, yes.

21 Q      Oh, you didn't in August?

22 A      The second time, no.

23 Q      But you would still pay?

24 A      Absolutely, absolutely, and we -- and I actually  
25      spoke with Tom and I told him that offer is still



1 on the table.

2 MR. RANDALL: And Mr. Chairman, I  
3 did pass out, and we ask that it be made a part of  
4 the record, a statement from Bootleggers  
5 memorializing that conversation that their staff  
6 did have and we would just like to read into the  
7 record the number of the police report -- police  
8 call No. 0922602891 -- that was for the August  
9 incident and it does not indicate whatsoever that  
10 the patron at 3:00 a.m. came from Bootleggers.

11 THE CHAIRMAN: Thank you. We have a  
12 copy of a recap from 10/14/09 that Alderman  
13 Hamilton would move to make part of our official  
14 record in the proceeding. Hearing no objection, so  
15 ordered. There was also a letter dated January  
16 14th, 2008, to Mr. Andrew Wagner from Brian C.  
17 Randall and Alderman Kovac would move to make this  
18 a part of our official record in this proceeding.  
19 Hearing no objections, so ordered.

20 MR. RANDALL: No other questions.

21 THE CHAIRMAN: Thank you, thank you.  
22 What I'm going to do at this point here, because I  
23 believe that both sides have been provided thorough  
24 opportunity, I'm going to ask -- and I'm going to  
25 pull my watch out -- two minutes for a closing here



1 at this point. And if you want to take it to court  
2 on that matter, so be it.

3 I've had -- I've had conversations  
4 with Mr. Schrimpf, who's indicated that I, as the  
5 Chair, have the ability to provide a time limit  
6 conversation. I think that we are now -- for  
7 any -- any Judge that will review the record, we're  
8 at about the two-hour mark on this matter. So I'll  
9 give you a slight amount of leeway but I think that  
10 we've had this issue thoroughly vented on both  
11 sides. Mr. Randall?

12 MR. RANDALL: Mr. Chair, thank you.  
13 And I do appreciate the anticipated leeway because  
14 I do have five witnesses to cover. What I will not  
15 do is talk about the police report and the food  
16 service issue because I believe you've given me the  
17 opportunity to summarize our statements; but if the  
18 Committee does have further questions or wishes a  
19 further statement, I'd be happy to do it; but we  
20 believe we are in compliance with our plan of  
21 operation and the police reports, we believe we  
22 have operational safeguards to address those  
23 issues.

24 As far as the rooftop deck issues,  
25 we have, and as that letter that was just made a





1 part of the record indicates, participated with the  
2 Old World Third Street Association, we've asked to  
3 be a part of those meetings to discuss this issue,  
4 both noise on the street issues at Old World Third  
5 Street and our rooftop deck, so that everyone is  
6 aware of what's going on.

7 We tried to work with the neighbors.  
8 He have worked with Mr. Erd, we believe he being  
9 the right person, certainly, as the owner of that  
10 building, and we acknowledge that we've worked with  
11 both of the Pagets who are, of course, responsible  
12 at Buck Bradley's. And we've done what we can,  
13 although there is a bit more that we believe we can  
14 do and we are willing to do, and I'll get to that  
15 in a minute.

16 As far as the noise issue, I would  
17 suggest to the Committee that there simply isn't  
18 evidence in the record of what the noise may be.  
19 There is no testimony that is it is after 10:00  
20 p.m., when our license requires the rooftop deck to  
21 be shut off. It is common, I would expect, to test  
22 speakers, to have things going on in the daytime.  
23 The testimony was not that it was a night when  
24 someone may be trying to sleep.

25 There are heavy traffic issues.



1           When I was at the street yesterday, Usingers had  
2           about three semi-trailers stacked up on Old World  
3           Third; the Bradley Center is nearby, Turner Hall  
4           has a lot of deliveries, the alley is active there.  
5           There is significant noise in the area and  
6           certainly an addition of music on a rooftop that  
7           may on a quiet, none-windy night, spread is not  
8           justification to make that noise but we do not  
9           believe the record reflects there is an  
10          unreasonable amount of noise.

11                         As far as the rooftop, Mr. Chair, I  
12          don't recall if the pictures were made a part of  
13          the record. Ms. Black instructed me that I should  
14          make sure I asked first before I passed them out.

15                         Just to recap, because of the  
16          Pagets' testimony implied that nothing was done;  
17          and what those pictures -- as Josh explained, when  
18          the rooftop was originally built, this rooftop area  
19          was not there when we bought the building. That is  
20          the stairway coming up -- we have to have two  
21          access points for that third floor area, so this is  
22          the roof for the stairway; and frankly, you can see  
23          what the original problem was, people could just  
24          walk right up there. So the small wall extension  
25          was created, was put into place; and unfortunately,



1        what we've come to learn, and from our standpoint,  
2        there really have only been two instances since  
3        that wall was put in that there has been -- there  
4        have been people over the roof top.

5                    That isn't justification for how  
6        many there should be. What we would like to do is  
7        extend that wall a little higher. We do have to,  
8        however, work with the Historic Preservation  
9        Commission staff because my review of the  
10       situation, one of the standards is what can be  
11       visible on a historically designated building from  
12       across the street.

13                   And I believe that an extension of  
14       that wall, which Dan Paget specifically has asked  
15       for, and we've tried to look seriously at, would  
16       solve the problem, because people will not climb  
17       over a high wall for a big drop and then go over  
18       the roof; but we do need to go through with staff  
19       of the Historic Preservation Commission and it may  
20       result in a certificate of appropriateness hearing  
21       with the HPC -- and, of course, Alderman Bauman  
22       would be aware of all of those things going on. So  
23       we did do something, we planned to do more, but we  
24       need a little bit of time to do so.

25                   The other thing that we did do, and



1       you can see even by the pictures, the chairs and  
2       the tables have been moved away from the area. As  
3       Josh said, one of the original problems was that  
4       there was equipment there and people were sitting  
5       there, looking at this, and they for some reason  
6       had a desire to go over the roof.

7                     The other steps we've taken, we've  
8       purchased some signs. We believe notice is  
9       appropriate to at least post no trespassing or  
10      private property; we intend to put those on the  
11      wall in this area, right over the rooftop, so that  
12      anyone who does consider doing that. We will also  
13      offer them to Mr. Paget and -- if he would like to  
14      post them on his property. Not that that will  
15      prevent someone in some of these -- with these  
16      ideas, but we believe every step of a deterrent  
17      might be helpful.

18                    Finally, we do intend -- and our  
19      staff takes it seriously, we do, as you heard from  
20      the testimony, security is a presence. We do have  
21      a roving security person on the rooftop and we do  
22      have one stationed by the west stairway; and so  
23      there are people up there, but that isn't to say  
24      when someone walks away that people don't climb  
25      over, and that isn't to say that's the case; people





1       may throw things over the alley, to address another  
2       issue.

3                       We do have an immediate ejection  
4       policy, as far as people who throw things. We have  
5       an immediate ejection policy, and frankly calling  
6       the police, if we catch people going over. Part of  
7       the problem, and that's why I tried to ask the  
8       Pagets this, is that it's more often than not,  
9       evidence is found that someone had been there, not  
10      necessarily the people. I know he had a couple of  
11      instances where he found them and they scrambled  
12      over.

13                      What we've asked them to do, and  
14      both of these gentlemen have given their cell phone  
15      numbers and the Bootleggers' staff numbers, is to  
16      hear about it from them if they find someone up  
17      there, so that we can have security on our side  
18      ready or we can call police and we can be ready to  
19      catch someone who should -- who should not be doing  
20      that. Again, we can only ask them to call us,  
21      we've given the cell phone numbers and we've tried  
22      to do that. One thing that I think is apparent is  
23      that -- and in fact, I believe Alderman Bauman and  
24      I may have had a discussion about this -- is a  
25      security camera would be appropriate so that we can



1 document what is going on, how this may be  
2 happening. Perhaps that depends if we extend the  
3 wall and we can do so, maybe a security camera is  
4 not important or necessary; but perhaps on the  
5 north side by the alley that may be an appropriate  
6 addition; and certainly if the Committee were to  
7 condition that as part of our renewal, we would not  
8 object.

9 As far as -- a couple final  
10 comments: We do have a number of private events, a  
11 substantial list to show to the committee that we  
12 are not just simply a beer bar, as some of the  
13 testimony indicated. We believe our plan of  
14 operation, our past record speaks for itself. We  
15 have had Northwestern Mutual, the Journal Sentinel,  
16 the Milwaukee Police Department ATF Bomb Squad, and  
17 for good reasons, at our property.

18 GE, Ernst & Young, Alan Bradley -- a  
19 whole variety -- a two-page bullet-point list of  
20 private events that book our site. We may not have  
21 the wedding receptions like Buck Bradley's has -- I  
22 was at one, very nice, a couple years ago there;  
23 but each venue has it's own nitch. And we are not  
24 simply for heavy drinking as some of the testimony  
25 might have suggested.



1                   I tried to draw out specifics from  
2                   the witnesses and I would hope that the Committee  
3                   will use its discretion and evaluate the witnesses  
4                   and look at our record in general and what is  
5                   reasonable and appropriate in this situation for a  
6                   popular establishment that has invested a lot in  
7                   the city; and we believe, by the testimony, has  
8                   operational controls in place and cooperates as  
9                   well as they can with the police department.

10                   So we would ask that you renew the  
11                   license and -- and if you wish to condition it on  
12                   any other security features, security camera  
13                   installation or otherwise, we would be willing to  
14                   look at that and abide by -- we wouldn't be willing  
15                   to look at that, we would be willing to abide by  
16                   those conditions. Thank you.

17                   THE CHAIRMAN: Alderman Bauman?

18                   ALDERMAN BAUMAN: Thank you,  
19                   Mr. Chair, I'll be very brief. I think the most  
20                   poignant testimony today was from Ms. MacDonald and  
21                   the two lawn -- the two patio chairs they still  
22                   have in their possession. Those patio chairs came  
23                   from that roof. You know, when you're in this  
24                   business a long time as Aldermen and Alderwomen,  
25                   you -- especially in a district that has hundreds



1 of liquor licenses, you have a sense of red flags;  
2 and this establishment came in two years ago and  
3 they wanted a roof deck. I said, oh, boy, this is  
4 going to be trouble, the noise issues, the  
5 projectiles and -- just trouble. Oh, no, it's  
6 critical, it will work, it's essential to our  
7 business plan.

8                   You know, it boils down to money.  
9 This was their plan, this is what they wanted.  
10 They -- they -- you saw the letter from Mr. Randall  
11 of January 14th, assuring that -- Mr. Wagner  
12 contacted me when this bar was in the process,  
13 prior to their being granted a license. If you go  
14 back to the minutes, there was a lot of discussion,  
15 they wanted to hold the matter to have further  
16 discussions between the bar and their neighbors to  
17 deal with some of these exact issues that they  
18 brought up today again.

19                   But oh, no, the Committee passed it  
20 any way -- no, let them proceed and Mr. Randall is  
21 a good guy, Friebert and Finerty is a good firm,  
22 they wouldn't -- you know, they're going to follow  
23 through with what they proposed. January 14th,  
24 2008 letter, right after they got approved, three  
25 months before they opened, assurances there's going





1 to be screening on the roof, we're going to do  
2 this, we're going to do that. Direct testimony  
3 from eye witnesses says none of that has been  
4 done -- it's now 22 months later. That's a  
5 problem.

6 I'll cut to the chase. I think  
7 there's clearly a suspension warranted here and I  
8 think with respect to the roof, I've contacted --  
9 I've talked to Ms. Baron, we have the ability --  
10 you have the -- the Council has the ability to  
11 amend the plan of operation to shut the roof down  
12 permanently -- no more more liquor sales on the  
13 roof, period.

14 So my request to this Committee is  
15 that you shut the roof down and the license gets a  
16 60-day suspension.

17 THE CHAIRMAN: Okay, All right.  
18 With that, we're in Committee.

19 ALDERMAN ZIELINSKI: Mr. Chairman?

20 THE CHAIRMAN: Alderman Zielinski.

21 ALDERMAN ZIELINSKI: Well, I did  
22 have one question of the Applicant, very briefly,  
23 about the roof top before we --

24 THE CHAIRMAN: I'll allow the  
25 question here.



1                   ALDERMAN ZIELINSKI: I'd like to  
2 know what percentage of your business is on the  
3 rooftop versus the interior of the building?

4                   MR. HURLEY: Year around, 10  
5 percent.

6                   ALDERMAN ZIELINSKI: So 10 percent  
7 of your sales are on the rooftop?

8                   MR. HURLEY: It's obviously all  
9 Summer.

10                  ALDERMAN ZIELINSKI: And 90 percent  
11 is in the interior. Okay, that answers my  
12 question, Mr. Chairman

13                  THE CHAIRMAN: All right, we're in  
14 Committee.

15                  ALDERMAN KOVAC: Mr. Chair?

16                  THE CHAIRMAN: Alderman Kovac.

17                  ALDERMAN KOVAC: I'm looking at the  
18 pictures of the -- some of the screening that has  
19 been done or the attempt to discourage people from  
20 going over the roof, and I notice there's -- from  
21 one of the angles there's quite a view of -- this  
22 beautiful view of City Hall, it's a nice city  
23 scape, so I really hate to make the motion I'm  
24 going to make, cuz I think this is a tremendous  
25 amenity; and if it was done right, you would add to



1 your business and to the whole neighborhood  
2 experience.

3 But I don't think there's any way to  
4 interpret the neighborhood testimony, which is  
5 not -- it's coming from multiple people and it's  
6 incredibly credible and incredibly specific. I  
7 mean, the more poignant one is the chairs; but I  
8 suppose it's conceivable that every now and then  
9 somebody goes down the alley and throws a beer  
10 bottle up onto their porch -- she conceded that was  
11 a possibility, which I think only gives her  
12 testimony even more credibility; it shows that  
13 she's -- they're not out to get you, they want to  
14 work with you, and they've been trying to work with  
15 you since you opened.

16 And the only -- the only way we can  
17 describe it, you've got a neighboring bar owner  
18 making criticisms -- I've never heard from a  
19 neighboring bar owner. I mean, just in general,  
20 bar owners -- you know, what goes around comes  
21 around, and so clearly something has broken down  
22 between your relations with the people that you  
23 operate with there.

24 So I think it goes without saying, I  
25 really regret this part of the motion; but based on



1 the neighborhood testimony, I'm going to ask that  
2 the business plan be amended, since they don't have  
3 an extension of premise on the roof. And just  
4 having read the police report, there was -- as you  
5 could tell from my questions, I had a sense that  
6 there might be more to it than what's in the police  
7 report. Cuz there are -- I mean, the 911 call is  
8 not a big deal, and even the thing with the limo  
9 guy, not a big deal; and the other fight, I mean,  
10 there's no injuries, sounds like security acted  
11 appropriately. Still was bad that there were a  
12 couple of violent confrontations in and near your  
13 bar -- that doesn't look good for you but that  
14 isn't, you know -- it doesn't warrant major action,  
15 if any action -- certainly warrants a warning  
16 letter.

17 The incident, frankly, that I was  
18 most concerned about on the police report was the  
19 fact that a police officer observed several people,  
20 you know, exiting the bar and vomiting. Now, that  
21 particular police officer is not here, although we  
22 have the hearsay exception on police reports so we  
23 can consider that; but if it had just been that, I  
24 would have suspected that that happens more often  
25 but wouldn't have had evidence that it did. And





1           certainly when I asked you directly you said -- or  
2           the applicant said that that probably could  
3           happen -- I think you said at any -- on any given  
4           night a lot can happen.

5                         And one thing, just to be frank, a  
6           couple of your responses, I think, made me think  
7           what's really going on here, you know, the Freudian  
8           slip of the safe, fun level of intoxication and the  
9           comment that on any given night anything can  
10          happen. Well, you know, I get the sense of where  
11          you guys are coming from from that and what kind of  
12          place you're probably running, which is on any  
13          given night anything can happen kind of place.

14                        But that was really the suspicion  
15          until I heard the neighborhood testimony, which was  
16          pretty compelling. So I think a strong message  
17          needs to be sent, that we want -- you're operating  
18          in a historic building, doing a service to the city  
19          by providing a place for foot traffic to go.

20                        I want to encourage you, I want the  
21          parties to take off and I want your business and  
22          other businesses to be successful; but you cannot  
23          operate the way you have been operating, it's just  
24          unacceptable; and I think it's crystal clear from  
25          the neighborhood testimony that you're not working



1 well with them and you say you have security on the  
2 roof but you've got people on a regular basis  
3 trespassing on other people's roofs, throwing  
4 things on people's porches, yelling obscenities and  
5 then just the general level of drunkenness.

6 I mean, our concern -- even if you  
7 have security, you know, sounds like you're  
8 doing -- given the level of drunkenness that  
9 clearly goes on, you're probably doing a really  
10 good job of making sure stuff doesn't happen in the  
11 four walls of your bar. Surprising, you know, that  
12 we don't have a record of that.

13 But when these people get drunk and  
14 leave, who knows how many other incidents are  
15 happening, whether they're even serious incidents  
16 or not but probably just sort of general mayhem and  
17 disorderliness, which does not help the downtown.  
18 We want to have more people downtown, even at  
19 night; we want to have people until bar time  
20 enjoying downtown but not at the level of  
21 drunkenness it sounds like on a regular basis  
22 they're experiencing in your bar.

23 So, I went back and forth in my own  
24 head about what's warranted here but I'm going to  
25 -- based on the neighborhood testimony and the



1 police report, I'm going to move for a 30-day  
2 suspension and reiterate what I previously said  
3 about the rooftop.

4 THE CHAIRMAN: Okay, thank you.  
5 Motion by Alderman Kovac is to recommend approval  
6 of the renewal of the license with the issuance of  
7 a 30-day suspension, based on neighborhood  
8 testimony -- you want to include the police report  
9 in there?

10 ALDERMAN KOVAC: Yes.

11 THE CHAIRMAN: The motion also  
12 includes an amending of the plan of operation to  
13 prohibit the sales and use of the rooftop portion  
14 of the premises. What I will ask Committee members  
15 to be cognizant of, the time, the number of  
16 individuals present and the weather, and as much as  
17 possible -- I'll ask for a discussion but I'll say  
18 please, if you can, allow your vote to speak to the  
19 motion. Is there a discussion on the motion?  
20 Okay. Are there objections to the motion?

21 ALDERMAN COGGS: Objection.

22 THE CHAIRMAN: I will object as  
23 well.

24 THE CHAIRMAN: Okay. The motion  
25 will carry on a three to two vote. Mr. Mueller?



1                   MR. MUELLER: Attorney Randall, the  
2                   Committee will be issuing a report of  
3                   recommendations containing Findings of Fact and  
4                   Conclusions of Law recommending that the license be  
5                   renewed with a 30-day suspension and that the plan  
6                   of operations be amended to exclude the rooftop  
7                   from the licensed premises.

8                   You may file written objections to  
9                   those Committee's report; those objections are due  
10                  on December 17th and the Committee (sic) will take  
11                  up the recommendations on December 22nd. Will you  
12                  except service of the report?

13                  MR. RANDALL: I will.

14                  MR. MUELLER: Thanks.

15                  THE CHAIRMAN: Thank you.

16  
17                  (Whereupon the proceedings concluded  
18                  at approximately 11:10 a.m.)

19  
20                  \* \* \* \* \*

21  
22  
23  
24  
25





1 STATE OF WISCONSIN )

2 OUTAGAMIE COUNTY ) SS.

CERTIFICATE

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4

I, ROBERT F. NELSON, of Milwaukee

5

Reporters Associated, hereby certify that I am a

6

Court Reporter and Notary Public in and for the

7

State of Wisconsin; that before the parties

8

testified, they were first duly sworn by Staff

9

Assistant Toby Black; and as Court Reporter, I made

10

full and correct stenographic notes of the

11

foregoing proceedings regarding "Bootleggers"; that

12

the same was later reduced to written form by

13

Computer Aided Transcription, and that the

14

foregoing proceedings are a true and correct

15

transcription, as reflected by my original

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stenographic notes.

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18 DATED: December 18, 2009

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ROBERT F. NELSON  
Milwaukee Reporters Associated  
P. O. Box 2121  
Appleton, WI 54912-2121  
Tel: 920-733-2422  
Fax: 920-733-3183

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