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CITY OF MILWAUKEE
UTILITIES & LICENSING HEARING

In the Matter of:
PURE
162 West Wisconsin Avenue

COMMITTEE MEMBERS

ALD. JAMES BOHL, JR. - Chairman
ALD. JO DAVIS, SR. - Vice Chairman
ALD. FREDRICK G. GORDON
ALD. TERRY L. WITKOWSKI
ALD. JOSEPH A. DUDZIK

POLICE DEPARTMENT by SERGEANT JOHN HOGAN
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

GIMBEL, REILLY, GUERIN & BROWN, by MICHAEL
D. GUERIN, 330 East Kilbourn Avenue, Milwaukee,
Wisconsin, appeared on behalf Marvin A. Berg, III.

Proceedings had and testimony given in the
above-entitled matter before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the
6th day of January, 2004, before Terese M. Schiebenedes
and Donna Gulczynski of Milwaukee Reporters
Associated, Inc.

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PROCEEDINGS

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(Whereupon, all City Personnel were
previously sworn.)

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CHAIRMAN BOHL: The last item on the morning
agenda, now at 1:26 is for Marvin A Berg, III, agent
for Utopia, Inc., Class B Tavern and Tavern Amusement
Renewal Applications for Pure, at 162 West Wisconsin
Avenue.

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MR. GUERIN: Mr. Berg appears and Michael
Guerin, Gimbel, Reilly, Guerin & Brown.

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CHAIRMAN BOHL: Thank you, Mr. Guerin. Good
to see you. I know that we have a fair number of
individuals who are here. Let me just see if I could
see a show of hands the number of individuals here who
intend to testify in this matter. Of those
individuals here, are there any individuals here in
support of the application?

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MR. GUERIN: We specifically did not bring
anybody.

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CHAIRMAN BOHL: That's fine. I just wanted
to get a greater picture of what we have here. I'm
going to ask that at this point we swear in all
individuals who intend to testify, so everyone,
including Mr. Berg, if you could all raise your right
hand.

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1 (Whereupon, all speakers were duly sworn.)

2 CHAIRMAN BOHL: Specifically to Mr. Berg,
3 I'm going to ask you if you acknowledge receiving
4 notice of today's meeting with the possibility the
5 application could be denied due to items in the
6 attached police report as well as neighborhood
7 objections to loitering, litter, noisy patrons during
8 and after hours, patrons fighting, gunshots, damage to
9 private lot, traffic and parking problems, and conduct
10 which is detrimental to the health, safety, and
11 welfare of the neighborhood?

12 MR. BERG: Yes, I do.

13 CHAIRMAN BOHL: Let's go around the horn.
14 Health Department?

15 HEALTH DEPARTMENT: Health Department has no
16 objection.

17 CHAIRMAN BOHL: Neighborhood Services?

18 DEPARTMENT OF NEIGHBORHOOD SERVICES: We
19 have no objections.

20 CHAIRMAN BOHL: Sergeant Hogan.

21 SGT. HOGAN: There are five incidents that
22 occurred in the past licensing period. Two of them
23 are not part of the police report. They were CAD
24 reports I received after I submitted the investigative
25 report. I did, however, give a copy of those to Mr.

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1 Guerin, and if I understand correctly, you have no
2 problem reading those?

3 MR. GUERIN: No. One of them relates to
4 what is Item Number 6. I acknowledge receipt of those
5 and have no objection to them.

6 SGT. HOGAN: The first incident was a
7 citation that was written for fire prevention
8 enforcement on February 26th of last year. I don't
9 know the details of that other than it was somewhat of
10 a benign violation and the result of an inspection of
11 all Class B premises after the tragedy in Rhode
12 Island.

13 CHAIRMAN BOHL: I think there was a Channel
14 4 report that precipitated that.

15 MR. GUERIN: Sgt. Hogan, that was a tank
16 used for a barbeque that was taken out. That was the
17 violation.

18 SGT. HOGAN: On April 8th of 2003, about
19 10:40, a couple of underage police aides in a police
20 sting operation were able to gain entry into the club
21 and buy a couple bottles of beer. The bartender was
22 cited in that matter. There was no record in the
23 Municipal Court system as to what the disposition on
24 that was.

25 On October the 18th, 2003 about 2:00 a.m.,

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1 a police lieutenant in patrolling the area reported
2 that he observed the Pure Nightclub closing and
3 several hundred patrons leaving. Due to known traffic
4 control problems whenever the Pure closes, the
5 lieutenant ordered that westbound traffic on Wisconsin
6 Avenue at Plankinton be blocked. During this time,
7 several hundred people began loitering outside the
8 club and in the street blocking traffic both
9 directions. Numerous cars going eastbound on
10 Wisconsin Avenue began stopping in traffic talking to
11 and attempting to pick up women.

12 The Pure security people standing outside
13 were not observed taking any action to clear the area.
14 The lieutenant indicates that during this time a
15 Sheriff's Department squad operating as an emergency
16 vehicle traveling east on Wisconsin Avenue was unable
17 to get vehicles or people standing in the street to
18 move. The lieutenant noted that this occurs every
19 Friday night and that on most Fridays District 1
20 officers and officers of the then Violent Crimes Tasks
21 Force were available to close off Wisconsin Avenue,
22 and officers were able to keep people on the sidewalk.
23 On this date there were no officers available.

24 The next item is relative to the corporate
25 officer who has an unpaid citation.

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1 The other incident occurred on November the
2 8th, 2003 at about 12:17 a.m. Officers heard a few
3 shots from the area of the Pure, investigated the
4 shots fired. Take that back. On this one here,
5 officers investigated a shots fired in the area. A
6 Sheriff's Department squad was on the scene first.
7 The deputy on the scene informed the reporting
8 officers that two males were fighting in front of 131
9 West Wisconsin. An unknown male from the crowd fired
10 two shots in the air to try to break up the fight.
11 All parties involved then fled the scene in various
12 vehicles, unknown plates, unknown directions.

13 Later that evening, a squad was dispatched
14 to a residence up on the north side regarding a
15 battery complaint. The victim reported that he was
16 inside the Pure Nightclub restroom, at which time he
17 was involved in a fight with several subjects. He
18 stated that bar security escorted the subjects
19 outside. A few minutes later while the victim was
20 going to his car across from the club, he was
21 approached by the same subjects, at which time the
22 victim was struck in the face and robbed at gun point.
23 Victim stated he was able to escape by running from
24 the location, at which time, he heard two gunshots
25 fired. I have no further information on that.

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1 Lastly, on Saturday, November the 15th,
2 2003, about 1:55 a.m., an officer was dispatched to
3 assist other officers who were handling a shots fired
4 complaint. Their investigation revealed that an
5 argument started in the Pure Nightclub. The argument
6 continued outside resulting in shots being fired. The
7 initial squads stated that they heard six to seven
8 shots fired in front of the Pure Nightclub by unknown
9 actors. Several squads were dispatched to help with
10 the investigation and crowd control as the club was
11 letting out at bar time.

12 Officers indicate the result of the shots
13 fired was that two of the shots struck the TJ Max
14 Store at 133 West Wisconsin, causing damage to the
15 storefront windows. Also struck was a vehicle parked
16 in front of the store and that the vehicle was struck
17 by five rounds. Officers also indicate that while
18 conducting the investigation several squads had to
19 break up fights started by patrons exiting the Pure
20 Nightclub. Fights continued in the 600 block of North
21 2nd Street as the crowd from the bar was moving to
22 their cars. Officers handling the crowd heard two
23 more shots come from down the block near the
24 intersection of 2nd and Michigan. The crowd dispersed
25 quickly, unknown to the officers present who fired the

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1 shots. That's all I have.

2 CHAIRMAN BOHL: Mr. Guerin, I just want to
3 again clarify for the record. These items read in,
4 they were not part of the original notice. I just
5 want to get you on the record that you are agreeing on
6 behalf of your client to waive --

7 MR. GUERIN: We'll waive any previous notice
8 of these two incidents, yes, because I was prepared to
9 testify to those. I would request, however, as a
10 condition that I be able to, because most of that is,
11 in fact, hearsay, we've had little opportunity to
12 investigate it, but that you would respect my right to
13 have Mr. Berg testify as to that.

14 CHAIRMAN BOHL: Absolutely, absolutely.
15 Sgt. Hogan, if we could at least pass those over. And
16 you do have copies?

17 MR. GUERIN: I do. Sgt. Hogan was kind
18 enough to give those to us earlier.

19 CHAIRMAN BOHL: What we'll do is we'll just
20 have Alderman Dudzik move to make those two additional
21 -- the correct two additional reports part of our
22 record. Are there any objections to that? Hearing
23 none, so ordered.

24 (Recess held.)

25 CHAIRMAN BOHL: We're back. It is now

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1 approximately 1:47, and the police report was just
2 read into the record here.

3 Mr. Guerin, I'm going to allow you an
4 opportunity to raise any questions that you may have
5 relating to those items.

6 MR. GUERIN: Relating to all of the items?

7 CHAIRMAN BOHL: That's correct.

8 MR. GUERIN: And Mr. Berg, who is the
9 licensee who was on the premises for every one of
10 these matters is, of course, here to testify.

11 I do want to clear up particularly the
12 things that would be most troubling to me were I a
13 member of this committee. Of course me being a member
14 on this committee is very unlikely, but it would be
15 things that would trouble me, which are the shooting
16 issues, the issues with the gun.

17 First of all, Mr. Berg is prepared to
18 testify that there has never been a gun in the place.
19 There is no suggestion that anybody ever went in the
20 premises with a gun. Like everything else, you can
21 find guns in the back of squad cars, but there is
22 strict security in there.

23 That takes us back to the item on 4/8 where
24 there's a police sting. There were two -- And a sting
25 I guess implies that these people were somewhat

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1 borderline. Those are the only allegations of anybody
2 ever being underage. He takes full responsibility for
3 that. Unfortunately the person who checked the IDs
4 that particular night -- and the bartender ultimately
5 did, because he said that's not something I can
6 tolerate in the place because of the close -- Because
7 as we all know, every day we get complaints because
8 people opposed this thing going in right from the
9 beginning, and they continue to be here, so he's tried
10 his very best to run this operation as safely without
11 any problems as he could.

12 As you even on the report submitted with --
13 the License Investigation Unit report, it says he's
14 always been cooperative. I'll bring in his response
15 to Captain Moore of the 1st District Police Department
16 which verifies that situation. In any event, the
17 person who did let those two undercover officers in
18 has been discharged. The person who checked the
19 licenses that particular night has also been
20 discharged, and again, that goes back a ways. It's
21 not even this particular license, I don't think.
22 Yeah, that one is, I apologize.

23 The Item No. 6 was the crowd out there.
24 As we say, -- and those of you who are out in the
25 evening, and periodically I'll get out once in a

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1 while, -- there's just a lot of activity going on
2 downtown with an awful lot of these places, Water
3 Street, Milwaukee Street and so forth, so the police
4 have rightfully, in order to accommodate the diverse
5 nature of the downtown area, have been available to
6 move crowds, to facilitate transportation, and on
7 this particular night -- This was a time, if you can
8 recall, when there was construction on Wisconsin
9 Avenue. It was really down to about one lane at
10 that particular point. So was there some congestion?
11 There probably was. And as the police report very
12 clearly states, the officer didn't have the regular
13 traffic setup that particular night.

14 I'm addressing the Item No. 6 specifically
15 where the police officer -- the police report says,
16 we didn't follow our same routine because we didn't
17 have other squads available that particular night. So
18 one police officer tried to block westbound traffic,
19 and obviously there was some accumulation of crowds.
20 I don't know what else I could address on that
21 particular issue.

22 The information that Sergeant Hogan brought
23 to our attention was the issue that occurred on
24 January -- or excuse me, on November 8th, and Mr. Berg
25 was on the premises, and what occurred is that there

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1 were two individuals who kind of, quote, got into it.
2 They were having an argument. His security responded
3 immediately, and that is paragraph two of the report
4 that has been introduced into the record.

5 Then the bar security -- as this victim,
6 Tywan D. Green said, the bar security escorted the
7 people, who clearly were in the wrong, outside the
8 premises. Didn't throw the other person out at all.
9 He ultimately left by a different door. The victim
10 left by a different door, and apparently they came in
11 contact with each other on the other side of Wisconsin
12 Avenue, and that's where this problem occurred.

13 There's no suggestion that there was a gun
14 on the premises. Mr. Berg was on the premises that
15 entire night. No police officer ever interviewed him
16 about this, never came back to the club to talk about
17 anything that would have occurred in the club. In
18 fact, nothing occurred except words being exchanged.
19 The security responded properly, and the people that
20 were most obnoxious were thrown out of the place. The
21 victim was allowed to stay, and later that evening he
22 became a victim. That's the sum and substance of that
23 particular situation.

24 One of the most troubling to me, because
25 it resulted in a letter being addressed to Mr. Berg

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1 from the downtown group, is the second report that
2 reviews the incident of November 15th, 2003. If you
3 were to read that report the way many people would
4 like it to be read, that this was a situation where
5 there's a big crowd gathering as a result of Pure, and
6 shots being fired in the air randomly and so forth,
7 all you have to do is review the police report a
8 little bit more carefully, and it substantiates
9 precisely what Mr. Berg is prepared to testify about;
10 that his security people were outside, and there was
11 no large crowd out there at that particular time.

12 A maroon car came down the avenue -- Now
13 bear with me for just a moment. A maroon car came
14 down the avenue going eastbound from 2nd Street.
15 There was a car, a Suburban-type car, parked across
16 the street from his establishment, really across the
17 street from one of Mo's establishments there, and the
18 car is parked unoccupied. This maroon car comes down
19 and fires shots at the car. Nobody's in the car.
20 There's no suggestion these people were inside of the
21 premises of the Pure establishment that particular
22 night, and as the report said, they heard six or seven
23 shots fired in front of Pure.

24 Well, technically it is in front of Pure.
25 Mr. Berg said his security people were out there, saw

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1 this maroon car coming from west to east, heard the
2 noise, couldn't get the license plate because there
3 was a squad car right behind this particular car from
4 which the shots apparently were fired. To then say
5 that -- These are just random shots, as the police
6 report says, two shots striking the T.J. Maxx area, so
7 you've got six or seven shots. Two go into the T.J.
8 Maxx Store which is completely across the street, and
9 it's consistent with someone on the passenger side
10 shooting at a car parked on the south side of the
11 street. The vehicle was struck by five rounds on the
12 driver's side portion of the truck. Five plus two, so
13 obviously we've got all seven shots. There weren't
14 any shots fired randomly in the air. There's nothing
15 associated with Pure.

16 Mr. Berg is prepared to testify that the
17 owner of this Suburban, -- which is a very distinct
18 Suburban, by the way, you could spot it anyplace, --
19 came out about 20 minutes later and said, "What
20 happened to my car?" In other words, it was not a
21 shooting that's taking place where people are ducking
22 and dodging or anything like that. Somebody in a
23 maroon car came down the street, fired intentionally
24 at this car, struck it five times, and two of them
25 missed the car and went into the T.J. Maxx Store.

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1 That's the extent of it.

2 Mr. Berg, just to facilitate matters, those
3 are the incidents that were reported in these police
4 reports. Have I accurately stated what you would
5 testify to?

6 MR. BERG: Yes, totally.

7 MR. GUERIN: And you were on the premises
8 for both of these incidents.

9 MR. BERG: Yes. I'm on the premises every
10 night we're open.

11 MR. GUERIN: And no police officer came and
12 talked to you as a result of this 11/15 thing where
13 the two shots struck the T.J. Maxx Store, and the five
14 went into the driver portion of a truck that was
15 parked across the street.

16 MR. BERG: No. No police officers talked
17 to me, myself, or any of my security personnel that
18 night.

19 MR. GUERIN: Okay. You did get a letter
20 from Captain Moore of the police department telling
21 you about these incidents, though, did you not?

22 MR. BERG: Correct.

23 MR. GUERIN: And did you respond to Captain
24 Moore in writing?

25 MR. BERG: Yes, I did.

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1 MR. GUERIN: And prior to responding to
2 Captain Moore, did you meet with the caretaker of the
3 4th District?

4 MR. BERG: Yes, I did.

5 MR. GUERIN: And what steps did you agree to
6 take voluntarily at that time?

7 MR. BERG: Voluntarily, the Friday after
8 this incident happened, I voluntarily closed the
9 following Friday just to make sure nothing else would
10 happen, not that we foresaw anything, but I closed
11 down voluntarily on the next Friday, changed our
12 format, and since then we have had no situations.
13 Not one squad car has come to the nightclub for any
14 issue whatsoever.

15 We've turned away quite a few people, you
16 know. Our business definitely is a lot slower, but
17 we want to maintain a safe environment for everybody.

18 MR. GUERIN: Only because it comes up, what
19 type of a format does the -- You don't operate with a
20 live band, you operate with a disc jockey, correct?

21 MR. BERG: Disc jockey, correct.

22 MR. GUERIN: And you play what, Top 40?

23 MR. BERG: Top 40.

24 MR. GUERIN: Now, in the Top 40, there are
25 things that are designated as hip hop; is that

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1 correct?

2 MR. BERG: That's correct.

3 MR. GUERIN: Not in my Top 40, but at least
4 apparently the Top 40 --

5 MR. BERG: Yes, that is true. Top 40 and
6 Country.

7 MR. GUERIN: You sent a letter to Captain
8 Moore in response to his letter. Can you tell us what
9 commitments you made in writing to him?

10 MR. BERG: First, signs inside and outside
11 the establishment stating no loitering, that tickets
12 will be issued. I talked to one of the police
13 officers at the station, and they said that they
14 would be able to give tickets if people were loitering
15 if we place those signs up. We placed those signs up
16 so people wouldn't loiter outside our establishment
17 after -- during and after the bar was open and closed.
18 Since those issues, nobody loiters anymore.

19 We slow down the music like 45 minutes to an
20 hour before 2:30, which is what we're supposed to do,
21 to have everybody out to, you know, alleviate -- give
22 time for people to settle down and get everyone out of
23 the establishment.

24 Next step is saying where we turn the lights
25 on around 1:50, so we're giving 35 minutes for people

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1 to get out of there, where -- you know, instead of
2 closing down 15 minutes before where we have to rush
3 everybody out and they're all out -- you know, 300
4 people or whatever are all out at one time.

5 And then just talking about if there is an
6 incident inside the club, you know, for an example, a
7 fight, we separate the two parties involved, call the
8 police department if necessary, find out who the
9 victim was, try to get information and whatnot, which
10 we always have done in the past.

11 MR. GUERIN: If I can interrupt, that's the
12 reason for incident number one, two and three on the
13 police report that says you were the ones that called
14 every time, right?

15 MR. BERG: Right.

16 MR. GUERIN: All right.

17 MR. BERG: Security's never allowed to
18 drink while working. That's always been a part of
19 our situation there. Always have plenty of security
20 personnel. We have, you know, tons of security
21 personnel at any given time. Strict dress code.
22 Everybody gets patted down, always have at our
23 establishment.

24 MR. GUERIN: Has anybody ever gotten in
25 with a gun that you're aware of?

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1 MR. BERG: Absolutely not. No weapons at
2 all. Sometimes we'll get like pepper spray or
3 something, but we always confiscate that. And then
4 always check for 21 and up to make sure everyone's of
5 age.

6 MR. GUERIN: And other than that one
7 incident where the police sting occurred, you have not
8 had knowledge of any underage persons being served on
9 the premises, period.

10 MR. BERG: Right. That's correct.

11 MR. GUERIN: You still can't seem to get,
12 though, the people from the downtown area to really
13 buy into your package, though, correct?

14 MR. BERG: That's correct.

15 MR. GUERIN: That covers the incidents on
16 the police report.

17 CHAIRMAN BOHL: Thank you, Mr. Guerin.
18 I didn't want to interrupt you, but earlier we have
19 not sworn our court reporter in, so we'll ask our
20 Madam Clerk if she can do that at this time.

21 (Court Reporter Sworn Under Oath.)

22 CHAIRMAN BOHL: And I would assume that
23 would apply to the aforetranscribed at this point
24 here as well, too. Thank you.

25 MR. SCHRIMPF: Actually it's technically

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1 just recorded at this point. It hasn't been
2 transcribed yet.

3 MR. GUERIN: This is not an easy group.

4 CHAIRMAN BOHL: You can tell we've had a
5 long morning so far.

6 MR. GUERIN: But I've done my best just to
7 address the police report.

8 CHAIRMAN BOHL: And I appreciate that. Are
9 there other questions by committee of Mr. Guerin or
10 Mr. Berg relating to items in the police report at
11 this point here?

12 ALDERMAN DUDZIK: Mr. Chair.

13 CHAIRMAN BOHL: Alderman Dudzik.

14 ALDERMAN DUDZIK: I just have two real quick
15 questions, and I don't know if they're necessarily in
16 the police report. What's the capacity of the club?

17 MR. GUERIN: 299.

18 ALDERMAN DUDZIK: And you referenced the
19 dress code. Can you describe the dress code for me?

20 MR. BERG: We allow no jerseys, no hats, no
21 tennis shoes, no sweatshirts, no logos of any sort, so
22 we keep out the riffraff.

23 MR. GUERIN: It would keep me out, too, but
24 for different reasons.

25 ALDERMAN GORDON: Mr. Chairman?

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1 CHAIRMAN BOHL: Alderman Gordon.

2 ALDERMAN GORDON: Thank you. I just wanted
3 to have my memory refreshed. I remember when we first
4 entertained this application a couple years ago, there
5 was a concern raised by some of the people who are
6 here today regarding the kind of format that the club
7 was going to be instituting, and I recall that from a
8 musical standpoint, there was an emphasis initially on
9 the techno-musical format, and I just wanted to find
10 out when that change was made, because I've been
11 following the club by reading the Shepherd Express
12 and the Cube and some of the other newspaper articles
13 about the downtown club scene, and I remember that
14 techno aspect that was raised at previous hearings,
15 and then there was the change to the Top 40 format,
16 and I just wanted to get in my clarification when that
17 change took place, because obviously you can probably
18 draw some correlations between the change in musical
19 formats which led to the change in the crowds.

20 MR. BERG: Well, when we started, we had
21 three nights which played all techno music. Probably
22 by a year and a half ago, we switched our Friday
23 nights to the Top 40 music, and, you know, haven't had
24 any problems until this last month or two months ago,
25 whenever it was.

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1 But in the meantime we still have our techno
2 night on Saturday night, and on Thursday night we do
3 different things. But we're actually one of the only
4 clubs that still plays techno, because if you look at
5 any of the charts, you know, there's a different music
6 genre that everybody in this city plays.

7 ALDERMAN GORDON: And the nights of
8 operation has been maintained the same throughout?

9 MR. BERG: Yes, correct.

10 CHAIRMAN BOHL: How many nights a week are
11 you currently open?

12 MR. BERG: Thursday, Friday and Saturday.

13 MR. GUERIN: If I may ask a question
14 relative to Alderman Gordon's question, one of the
15 original opponents was the Howard Johnson Hotel; is
16 that right?

17 MR. BERG: That's correct.

18 MR. GUERIN: And they now sponsor what type
19 of events?

20 MR. BERG: I've seen several flyers in the
21 last few months that they have hip hop related events.

22 MR. GUERIN: In their Crystal Ballroom?

23 MR. BERG: In their Crystal Ballroom,
24 correct.

25 CHAIRMAN BOHL: Other questions by

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1 committee? One follow-up here, Mr. Berg, and that
2 relates to -- Mr. Guerin spoke of, following -- I
3 don't know if it was one of the two incidents in
4 November. You had indicated that you responded to the
5 1st District Police Station with some changes. I know
6 that there was a meeting that transpired. I don't
7 know if it was in reaction -- prior to that meeting,
8 or in reaction to that meeting.

9 MR. GUERIN: If I may lay the chronology on
10 it, on October 18th they had that incident, and then
11 on November 8th and November 15th. They followed
12 right on the heels of each other. He then got a
13 letter from the Chief of Police under the signature
14 of District Captain Moore. On November 21st, he then
15 scheduled the meeting and discussed it, and then wrote
16 his response on December 17th.

17 CHAIRMAN BOHL: Okay. One of the things
18 that you indicated, Mr. Guerin, is that in response
19 to these incidents, there was a change in format. If
20 the statement is made that these gunshots were really
21 incidental as opposed to as a response or directly
22 involved in the club, I mean why necessarily the
23 change in format, if it's not related to the club or
24 activities of the club?

25 MR. GUERIN: It's kind of a battered child

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1 syndrome; because you're going to get blamed for
2 everything, you might as well get ready for it,
3 because he's going to get blamed for anything that
4 occurs in that area, and he knows it.

5 CHAIRMAN BOHL: Was it as a result of
6 concerns in the meeting with some of the other
7 stakeholders in the area then?

8 MR. GUERIN: No, no. There was no meeting
9 with those people. The only meeting occurred after
10 these two, if you will, issues.

11 CHAIRMAN BOHL: Is that when the change of
12 format came, though, after these two incidents?

13 MR. GUERIN: That's correct. Am I correct,
14 Mr. Berg?

15 MR. BERG: Yes.

16 CHAIRMAN BOHL: Other questions by committee
17 related to the police report? Lucy, we're going to go
18 to you and comments you have at this time.

19 MS. KRAJNA: The 4th District has no
20 concerns with Pure. I didn't know -- I had not heard
21 of any problems down there until I got a call from
22 Roseann St. Auben saying there would be a meeting the
23 next day because of problems with Pure, and I then
24 asked Jim Copeland to come with me.

25 We attended the meeting, and then everybody

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1 had something to say, and Mr. Berg then said he would
2 change his format. He would close down that Friday,
3 and he would change his format. He had these rules he
4 was going to follow and send them to Captain Moore,
5 which apparently he did, and I have never heard a
6 complaint since the meeting.

7 MR. GUERIN: I apologize, though.
8 Unfortunately, I didn't know about this meeting, so
9 when you were asking questions, and I was explaining
10 why he changed, I wasn't --

11 CHAIRMAN BOHL: I was aware it was one
12 afternoon. I know it was a short time after the
13 following incident, so I know that there were a number
14 of others that were there; a number of others, I
15 think individuals we deem as stakeholders, from the
16 downtown area and business association. So questions
17 by committee of Miss Krajna at this point?

18 And what we're going to do now is we're
19 going to hear from individuals who are here, because
20 we have only those here to testify in opposition.

21 As you know, Mr. Guerin, if you so desire to
22 raise any questions relating to any testimony that's
23 provided, we would ask that you address them to the
24 chair and do so in the form of a question.

25 MR. MAJKOWSKI: My name is Edmund Majkowski.

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1 CHAIRMAN BOHL: Mr. Majkowski, hold on one
2 second here. Are you somebody who is here to testify?
3 MR. MAJKOWSKI: Yes, sir.
4 CHAIRMAN BOHL: You've been sworn in?
5 MR. MAJKOWSKI: Yes.
6 CHAIRMAN BOHL: Is there anybody who's here
7 who has not been sworn in and intends to testify? I
8 just want to see a show of hands.
9 MR. WHITCOMB: Mr. Chairman?
10 CHAIRMAN BOHL: Yes.
11 MR. WHITCOMB: We have people here that are
12 on a tight work schedule, so --
13 CHAIRMAN BOHL: Sure, and that's fine.
14 If that is the case, if you're on a tight work
15 schedule and need to move out, we can -- Maybe those
16 individuals who have a little bit more time can
17 relinquish their chairs.
18 Mr. Majkowski, we'll have you -- What we're
19 going to need to do is have you each provide your
20 name, your full name. If it's difficult to ascertain
21 the spelling, please spell that, your address for the
22 record, and then your testimony.
23 I will let you know, because I think that we
24 may run into this, hearsay evidence is not permitted
25 by this committee. It would have to be to items that

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1 you directly are aware of, yourself have experienced.
2 We cannot accept testimony of, I heard that this
3 occurred, or I heard from Joe Blow, or Susie told me
4 that this occurred. It has to be direct evidence and
5 related to items that are cited in the neighborhood
6 objections that I read earlier; loitering, littering,
7 noisy patrons, fighting, gunshots, damage to private
8 property, traffic and parking problems, and conduct
9 detrimental to health, safety and welfare. So, again,
10 sir, you're Mr. --

11 MR. MAJKOWSKI: Edmund Majkowski,
12 M-a-j-k-o-w-s-k-i.

13 CHAIRMAN BOHL: Thank you. And Edmund is
14 the first name?

15 MR. MAJKOWSKI: E-d-m-u-n-d.

16 CHAIRMAN BOHL: Okay, Mr. Majkowski, please
17 proceed.

18 MR. MAJKOWSKI: I am a retired police
19 lieutenant. I'm currently the director of public
20 safety for The Shops of Grand Avenue. I wish that
21 the sergeant was here because there have been two
22 additional incidents that have occurred in the
23 location in question at Pure.

24 On 11/24 a man was hit with a bottle
25 there, and the police are aware of this. And on

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1 12/26, Wisconsin Avenue was again shut down by police,
2 and these are calls that I made to the police station
3 and was informed of. Apparently Sergeant Hogan wasn't
4 informed of those as of this date because they are
5 fairly recent, but I wanted to make a note of that.

6 CHAIRMAN BOHL: I appreciate that,
7 and we can accept that for what you state.
8 However, Mr. Majkowski, this is a legal -- quasi-legal
9 proceeding, and therefore we must abide by the letter
10 of the law, which indicates that these items have to
11 be previously cited to the applicant and/or his
12 attorney, and I'm assuming that there was no such
13 citation, so we have nothing before us that allows us
14 to proceed with that.

15 MR. MAJKOWSKI: I understand.

16 CHAIRMAN BOHL: I understand where you're
17 coming from as well. We'll move beyond that here and
18 render that as null and void, but -- Mr. Majkowski,
19 please go on.

20 MR. MAJKOWSKI: An additional question. I
21 have a written report dated and signed by one of my
22 security guards from the incident that occurred with
23 the shooting into our T.J. Maxx windows. It certainly
24 differs a great deal from what the incident was
25 described at here, and it's based on the interview

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1 with Sergeant Theis of Milwaukee Police Department
2 indicating that this was a dispute between patrons of
3 Pure, that they exited Pure, et cetera. My concern is
4 that one of these stories has to be right and one has
5 to be wrong. If I can't present it here, then you
6 aren't going to know about it.

7 CHAIRMAN BOHL: That's fine. I think that
8 that's acceptable. You are the director of public
9 safety and security for Shops of Grand Avenue, and if
10 you can corroborate that by that being the document,
11 so be it.

12 What I would ask is, before we admit that,
13 though, that a copy be provided to Mr. Guerin here,
14 and then we'll see if committee members want to take
15 that into the official record. Mr. Schrimpf, if you
16 want to give me some advice on it, otherwise --

17 MR. SCHRIMPF: I don't have a particular
18 problem, Mr. Chairman, except I think we have to lay
19 a bit of a foundation. Is the document kept in the
20 ordinary conduct of business, and --

21 CHAIRMAN BOHL: And would you care to do
22 just that, Mr. Schrimpf?

23 MR. SCHRIMPF: Yeah. The report that's
24 before you, Mr. Majkowski, is what again?

25 MR. MAJKOWSKI: It's an incident report.

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1 It's a daily report that our officers file when they
2 have an incident that occurs on our premises or
3 involving our premises.
4 MR. SCHRIMPF: And when you say your
5 premises, you're referring to what?
6 MR. MAJKOWSKI: The Shops of Grand Avenue.
7 MR. SCHRIMPF: And what is your role if any
8 with The Shops of Grand Avenue?
9 MR. MAJKOWSKI: I'm the security director.
10 MR. SCHRIMPF: And these people work under
11 your supervision?
12 MR. MAJKOWSKI: That's correct, sir.
13 MR. SCHRIMPF: And are these documents that
14 are routinely and ordinarily prepared in the normal
15 course and conduct of business of your office and of
16 Grand Avenue?
17 MR. MAJKOWSKI: Yes, sir.
18 MR. SCHRIMPF: Okay. That would be the
19 foundation, Mr. Chairman. I think it might be
20 appropriate for me also to indicate that in years
21 past, and I'm talking about, I think, more than five
22 years, that because of my role as Assistant City
23 Attorney, I represented Mr. Majkowski in a number of
24 cases where he was a defendant.
25 MR. GUERIN: I'm sure there were a lot of

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1 them.

2 MR. SCHRIMPF: Actually there weren't that
3 many, but --

4 CHAIRMAN BOHL: And the counsel for the
5 licensee may say that he has had some --

6 MR. GUERIN: Aside from the fact that we are
7 on the opposite end of this particular matter, I have
8 the highest regard for Mr. Majkowski, both as a former
9 police officer and as a personal friend, but I do
10 nonetheless object. That's classic hearsay. It is
11 inappropriate in this matter to start bringing in
12 reports that someone prepared, the truth of what is
13 in that report to contradict other testimony that's
14 sworn. It's completely contrary to your rules, and I
15 very respectfully object.

16 CHAIRMAN BOHL: Okay. And that will be duly
17 noted here. And do we have a copy here for Mr. Guerin
18 as well, too? Okay. Mr. Majkowski, I'm going to
19 allow you to proceed here at this point. And prior to
20 that, -- Let's just hold on before we do that.

21 Is there any objection by committee members
22 to bringing this forward here? Otherwise we'll have
23 Alderman Dudzik move to make this document a part of
24 our record. Is there any objection to that? Hearing
25 and seeing none, so ordered. Mr. Majkowski, please

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1

proceed.

2

3

MR. MAJKOWSKI: And I'll just read the report as it's written. "I, Sergeant Small, on

4

11/15/03, at 03-0400 hours, received a call on a

5

cellular phone from PSO Watson by the Wisconsin

6

Avenue entrance, 160 West Wisconsin Avenue post.

7

Mr. Watson stated that Sergeant Theis, Milwaukee

8

Police Department, Squad 908-A, reported that there

9

was a criminal property damage to T.J. Maxx Store.

10

Sergeant Theis stated that 01-0500 hours, there was

11

a girl/boy dispute involving two males and a group of

12

females exiting from the Pure Nightclub on Wisconsin

13

Avenue. Eight shots were fired by one or both males

14

during the dispute. Two rounds passed through the

15

side glass windows of a green SUV parked on the south

16

side of Wisconsin Avenue and penetrated T.J. Maxx's

17

storefront double-pane window. The outer pane was

18

shattered, but not inside glass. At 0300 hours, I

19

called Ed Majkowski, director of public safety, to

20

report the criminal damage to the tenant space.

21

Lurie Glass was called for emergency service to board

22

up the window. I gave Detective Tom Casper access to

23

T.J. Maxx at 0410 and stood by to assist. Detective

24

Casper had forensic officers extract two spent rounds

25

lodged between the damaged double-pane glass windows,

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1 and personnel left the scene at 0437. I secured the
2 area with bar and tape." And that's it.

3 CHAIRMAN BOHL: Mr. Majkowski, any other
4 testimony you would like to provide at this time?

5 MR. MAJKOWSKI: The indication that -- We
6 have been videotaping the activities of The Pure from
7 across the street in our location, and on Fridays in
8 particular, there are large, large groups of people
9 that are exiting between approximately a half an hour
10 prior to and after. I don't have those tapes with me,
11 obviously, because they're on a special tape machine
12 which you wouldn't have access to at this time, but I
13 certainly can produce. And they're all being held and
14 locked in my desk. So the indication is that the
15 crowds have been smaller, but to the contrary, at
16 least on Fridays and Saturdays, they have been huge.

17 CHAIRMAN BOHL: Okay. Thank you. Other
18 questions by committee of Mr. Majkowski?

19 ALDERMAN DAVIS: Mr. Chair?

20 CHAIRMAN BOHL: Alderman Davis.

21 ALDERMAN DAVIS: Officer Majkowski, have
22 you observed -- Where do they enter and exit this
23 particular establishment?

24 MR. MAJKOWSKI: There are two doors side
25 by side, and one is Pure, and I believe there was a

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1 reference on a note on the door to Heaven was going
2 to be closed for a while. I don't know if that's a
3 separate part of Pure or not, but it said, Heaven will
4 be closed over the holidays, and they listed the
5 dates. But those two doors, they're two separate
6 entrances, and the security people guard both
7 entrances and allow people to enter and exit those
8 two entrances.

9 ALDERMAN DAVIS: Is it on Wisconsin Avenue?

10 MR. MAJKOWSKI: Right on Wisconsin Avenue.

11 ALDERMAN DAVIS: It is.

12 MR. MAJKOWSKI: Yes.

13 ALDERMAN DAVIS: And your video camera,
14 that is facing this Wisconsin Avenue entrance and
15 exit? It establishes patrons coming out, and also
16 some of the things that are corroborated in the police
17 report? Meaning loitering and those things on
18 Wisconsin Avenue.

19 MR. MAJKOWSKI: It corroborates the fact
20 that the crowds are there, and that they do not
21 disperse immediately upon exiting. They mill about a
22 lot, they are out in the road a lot. But that would
23 be what the corroboration would be, the size of the
24 crowds and the fact that they do not disperse upon
25 leaving the place. The security personnel are outside

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1 by the door. They make no effort to disperse the
2 crowd, but they also don't allow people back in.

3 ALDERMAN DAVIS: Thank you, Mr. Chair.

4 CHAIRMAN BOHL: Okay. One follow-up here,
5 Mr. Berg. I know that, boy, when you first applied
6 here two years ago, there was a huge issue over which
7 entrance was going to be used, and initially there was
8 an effort to utilize the Plankinton entrance, or the
9 entrance that was somehow lodged between the parking
10 ramp, and I think that there was a big push by some of
11 the downtown stakeholders to utilize Wisconsin Avenue
12 as an entrance.

13 MR. GUERIN: Right.

14 CHAIRMAN BOHL: What is the status of the
15 Plankinton -- Because I also know that, I'm going to
16 guess, in the -- must have been in the first six
17 months or so, I made two visits to your establishment,
18 I think in the first six months of your operation, and
19 I can testify at the time that you were playing techno
20 music, although I was gone both times by mid -- well
21 before midnight, before the crowd gets in there,
22 because that's just kind of when my day ends, before
23 everyone else's start. But do you have the entrance
24 on Plankinton? Is that still utilized at all?

25 MR. BERG: It's just an emergency exit.

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1 MR. GUERIN: We'd rather use it.
2 MR. BERG: I moved it because everyone
3 wanted me to move it.
4 CHAIRMAN BOHL: How long ago did that change
5 occur?
6 MR. BERG: Six months after we opened, so
7 it's been quite a while.
8 CHAIRMAN BOHL: Then the two occasions
9 when I visited, you were within the first six months
10 because both times that was the case.
11 MR. GUERIN: That was our position when we
12 applied, that it would have been better to continue to
13 use that, but the neighbors didn't want it, so he
14 moved it.
15 CHAIRMAN BOHL: Other questions by committee
16 of Mr. Majkowski? Mr. Guerin?
17 MR. GUERIN: Could I ask him some questions?
18 CHAIRMAN BOHL: Absolutely. Just direct
19 them to the chair here.
20 MR. GUERIN: This document that you referred
21 to and read, -- First of all, you weren't there.
22 MR. MAJKOWSKI: No, sir.
23 MR. GUERIN: Okay. So you're reporting
24 something that one of your employees, a Sergeant
25 Small, reports; is that right?

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1 MR. MAJKOWSKI: That's correct, sir.

2 MR. GUERIN: And Sergeant Small gets his
3 information from a person by the name of K. Watson?

4 MR. MAJKOWSKI: He just got the initial call
5 from K. Watson. He got the initial information from
6 Sergeant Theis of the Milwaukee Police Department.

7 MR. GUERIN: Then why would Mr. Watson, on
8 line two, state that Sergeant Theis reported that
9 there was a criminal damage to property? It would
10 seem to me that the clear reading of the report is
11 Sergeant Small reports that he heard from K. Watson,
12 and that K. Watson heard from somebody by the name of
13 Theis on the Milwaukee Police Department as to what
14 occurred.

15 MR. MAJKOWSKI: No. No, sir. It says that
16 he reported that Sergeant Theis, MPD squad --

17 MR. GUERIN: Let's read it together and get
18 this over with. "I, Sergeant Small, received a call
19 on a cellular phone from Watson by the 160 entrance.
20 Mr. Watson stated Sergeant Theis, MPD squad, reported
21 that there was criminal damage to property. Sergeant
22 Theis stated" -- It would seem to me that what follows
23 is what Sergeant Theis apparently told K. Watson, who
24 then told Sergeant Small, who then told you.

25 MR. MAJKOWSKI: Up until criminal damage to

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1 property of the T.J. Maxx store. At that point
2 Sergeant Theis stated, so -- That's a direct quote
3 from Sergeant Theis.

4 MR. GUERIN: Well, that's what he said.
5 That's what he got from this person. Did Sergeant
6 Theis tell you he was there?

7 MR. MAJKOWSKI: Right.

8 MR. GUERIN: Did you talk to him about that?

9 MR. MAJKOWSKI: Sergeant Theis, no.

10 MR. GUERIN: You didn't talk to Sergeant
11 Theis?

12 MR. MAJKOWSKI: No.

13 MR. GUERIN: Did you talk to Mr. Small about
14 this, or Mr. Watson?

15 MR. MAJKOWSKI: Mr. Small and Mr. Watson
16 both.

17 MR. GUERIN: Well, you're a former police
18 officer. There's a report of seven shots fired. Five
19 of them go into the side of an SUV parked there, two
20 of them go into the T.J. Maxx. Which direction did
21 those shots come from?

22 MR. MAJKOWSKI: All of them had to come from
23 north of our windows because they were about waist-
24 high into the T.J. Maxx windows, the two into T.J.
25 Maxx. I never saw the bullet holes in the vehicle

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1 because that was gone already.

2 MR. GUERIN: Did you ever see the bullet
3 holes in the window?

4 MR. MAJKOWSKI: Absolutely.

5 MR. GUERIN: And did they go straight in, or
6 did they come in at an angle?

7 MR. MAJKOWSKI: They both appeared to go
8 straight in. They hit the back second pane of glass
9 and dropped straight down.

10 MR. GUERIN: So then my testimony -- or
11 Mr. Berg's testimony that, in fact, the car was parked
12 at a spot east of where the entrance to The Pure is,
13 is accurate. Correct?

14 MR. MAJKOWSKI: That would be -- that's just
15 about right, yeah. About one or two car lengths east.

16 MR. GUERIN: Okay. It's east of the
17 entrance, and the shots go straight in at waist level
18 suggesting that someone is shooting at that car; is
19 that right?

20 MR. MAJKOWSKI: Yes, sir.

21 MR. GUERIN: I mean the shots were not fired
22 at a person. They apparently were fired at a car, and
23 the information that either Sergeant Theis told K.
24 Watson or told Sergeant Small that you kind of heard
25 about in this report, that information isn't

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1 contradictory to anything here, is it?

2 MR. MAJKOWSKI: Well, to some extent,
3 because I would think that the sergeant would be
4 aware of a car that the shots had come from.

5 MR. GUERIN: What disputes that? I mean
6 nobody -- Sergeant Theis, nobody, seems to have
7 gotten anything that -- He saw some girl/boy dispute
8 involving two males. That may be something he heard
9 from somebody else.

10 MR. MAJKOWSKI: Again, I just read what the
11 report was because the committee should be made aware
12 of it.

13 MR. GUERIN: Well, the committee should
14 be made aware of it, but -- and, if we really want to
15 attribute every bad act that occurs in the Wisconsin
16 Avenue district at a certain hour of the day or night
17 to Pure, then they should be made aware of it, right?

18 MR. MAJKOWSKI: No, sir.

19 MR. GUERIN: But there's no factual basis
20 for this, none at all, is there? Other than somebody
21 heard something about a girl/boy. You've been on the
22 police department a long time. When there's a
23 girl/boy, we should put, girl, name, age, date of
24 birth; boy, name, age, date of birth. Right?

25 MR. MAJKOWSKI: Those are police officers.

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1 These are not.

2 MR. GUERIN: Sergeant Theis is a police
3 officer.

4 MR. MAJKOWSKI: Sergeant Theis didn't write
5 the report.

6 MR. GUERIN: Have you seen a report by
7 Sergeant Theis?

8 MR. MAJKOWSKI: No, I have not.

9 MR. GUERIN: So other than this report, you
10 don't have any knowledge of this, that these people
11 were in Pure or had anything to do with Pure, do you?

12 MR. MAJKOWSKI: That's correct.

13 MR. GUERIN: And your videotapes, didn't --
14 By the way, if you were videotaping, did that pick
15 this up?

16 MR. MAJKOWSKI: We started videotaping after
17 the meeting that we had with the owner of Pure, so
18 they didn't pick that up.

19 MR. GUERIN: I see. Okay. And your
20 videotapes are showing that large crowds are exiting.

21 MR. MAJKOWSKI: Yes.

22 MR. GUERIN: What's a large crowd?

23 MR. MAJKOWSKI: Three hundred people,
24 somewhere in that area.

25 MR. GUERIN: Somewhere below 299 would still

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1 be a large crowd, wouldn't it?

2 MR. MAJKOWSKI: Yes, sir.

3 MR. GUERIN: Thank you. Nothing further.

4 CHAIRMAN BOHL: Thank you, Mr. Majkowski.

5 Ellen, did you want to go here next?

6 MS. WINTERS: Sure.

7 CHAIRMAN BOHL: Again, identify yourself for
8 the record and your address as well, too, for the
9 record.

10 MS. WINTERS: My name is Ellen Winters. I'm
11 here on behalf of the Westown Association, BID No. 5.
12 Thank you for the opportunity to be here today.

13 The Westown Association is here in response
14 to concerns which have been raised by many of our
15 members, including Marquette University, WisPark,
16 Towne Realty, Mo's Restaurants and Howard Johnson,
17 just to name a few who are here today. Those concerns
18 center around several incidents that have taken place
19 over the last few months at Club Pure located at 162
20 West Wisconsin Avenue.

21 On the two consecutive Friday/Saturday
22 mornings that we've already mentioned, the 8th and
23 the 14th of November, gunfire took place outside of
24 Club Pure in the early morning hours. Neighbors have
25 continued to contact the Westown Association to

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1 complain that the large crowds that we've already
2 discussed have been milling about on Wisconsin Avenue
3 causing for Wisconsin Avenue to be shut down, as
4 evidenced by the videotapes of The Shops of Grand
5 Avenue. These kinds of problems have become chronic,
6 and they disturb both residents and patrons at
7 neighboring businesses. These are, unfortunately,
8 the kinds of problems that many people who opposed
9 the granting of the initial license feared.

10 Marvin Berg, the owner of Club Pure, has
11 expressed his concern for these incidents, but the
12 Westown Association is worried that that concern
13 is not enough at this point. Mr. Berg has assured
14 us verbally that he is taking steps to change his
15 business plan and avoid programing that would attract
16 violent customers, but Mr. Berg has broken promises
17 to Westown in the past.

18 In January of 2002, Mr. Berg signed an
19 agreement with the Westown Association, which you
20 all should have a copy of, and Mr. Berg has a copy
21 of, promising to create a daytime operation at 162
22 West Wisconsin Avenue, and help make his establishment
23 a positive addition to the Westown neighborhood. We
24 feared then that a club that only operates three
25 nights per week would require excessive crowds to

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1 ensure profitability.

2 We encouraged Mr. Berg's plan to activate
3 the space during the daytime hours back in 2002.

4 While we realize that this signed agreement is not
5 enforceable by the city, it does speak to the issue
6 of Mr. Berg's credibility and community partnership
7 outlook. The Westown Association is asking you to
8 consider the best interests of the community as you
9 review the renewal of Mr. Berg's license.

10 Collectively, our membership is concerned
11 that something more serious will occur if this
12 establishment continues to operate. We do not want to
13 wait for more severe incidents to take place to force
14 us to closely look at the viability of Club Pure. The
15 Westown Association, along with many other development
16 partners, has invested a great deal into improving the
17 public's view of downtown Milwaukee as a safe place to
18 live, work and play. We no longer believe that the
19 management of Club Pure is committed to that same
20 goal. Thank you for your review of this situation.

21 CHAIRMAN BOHL: Are there questions by
22 committee? Mr. Guerin?

23 MR. GUERIN: The daytime operation did in
24 fact occur; is that right, Miss Winters?

25 MS. WINTERS: I am not aware if it did or

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1 not.

2 MR. GUERIN: Well, --

3 MS. WINTERS: I'm personally not aware.

4 MR. GUERIN: Daytime operation continued
5 for well in excess of a year until it just became
6 financially inappropriate; you wouldn't dispute that?

7 MS. WINTERS: No, I will not dispute that
8 that may have taken place.

9 MR. GUERIN: Is the Westown Association
10 taking similar positions on the shootings that have
11 occurred at the Have a Nice Day Cafe or the Park Bar?

12 MS. WINTERS: Yes.

13 MR. GUERIN: Okay. Thank you.

14 CHAIRMAN BOHL: Thank you. Mr. McCarthy?

15 MR. McCARTHY: Thank you. I'm Daniel
16 McCarthy. I have my office at 301 West Wisconsin
17 Avenue, the Matthews Brothers Building. I'm the
18 director of urban development for WisPark, LLC, and
19 I did submit to the clerk a letter on this matter as
20 well.

21 In an effort not to be redundant over
22 Ms. Winters' testimony, I would simply note for the
23 record that we are owners of several properties in
24 this neighborhood; the Boston Store property, the
25 Matthews Brothers Building, and we own other land in

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1 the immediate area. And so we have a strong interest
2 in this neighborhood, a strong interest that has
3 been -- that represents tens of millions of dollars
4 of real estate investment in the city.

5 What I simply would ask the committee is to
6 really take a reasoned look at the record here and the
7 significant private and public investment that has
8 occurred in this area. Take a look at the totality of
9 the record of Pure from building code violations to
10 disruptive patterns in this neighborhood. And it is
11 simply not worth the risk, when you look at that, to
12 continue to grant the privilege of a license at this
13 location under this operation. We have several
14 establishments that serve liquor, that play music in
15 this neighborhood, that are well run and don't create
16 this type of disruptive behavior. With that, I'd be
17 happy to answer any questions.

18 CHAIRMAN BOHL: Before that, Dan, what we'll
19 do is have Alderman Witkowski move to make your letter
20 dated January 6th, 2004 part of our record. Are there
21 any objections to that by committee members? Hearing
22 none, so ordered. Are there any questions by
23 committee of Mr. McCarthy at this point? Mr. Guerin?

24 MR. GUERIN: Mr. McCarthy, there was a
25 daytime operation of that place after it opened,

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1 wasn't there?

2 MR. McCARTHY: Yes, there was.

3 MR. GUERIN: You never had any disagreement
4 with Mr. Berg as far as his cooperation with you
5 personally, have you?

6 MR. McCARTHY: No.

7 MR. GUERIN: Thank you.

8 CHAIRMAN BOHL: Thank you, Dan. Nice to see
9 you again. Okay. If we could continue to fill the
10 seats here. Mr. Krawczyk, good to see you. You're
11 here, I'm assuming, in your personal capacity?

12 MR. KRAWCZYK: I'm here in my personal
13 capacity. My name is Claude Krawczyk. Last name
14 is K-r-a-w-c-z-y-k. I'm a resident at 730 North
15 Plankinton Avenue on the 9th floor. That's the
16 building that was formerly known as the Nelson
17 Brothers Furniture Building, located between the
18 Empire Building and where the Rock Bottom Brewery
19 is. We're directly across the street and around
20 the corner from Pure, directly across the street
21 from the Plankinton entrance that was referred to
22 earlier. That's the rear entrance of Pure.

23 When this application was first submitted
24 back in late 2001, there was a number of people who
25 were concerned about the type of operation that the

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1 Pure would end up being, and we received a number of
2 assurances from not only Mr. Berg, but also former
3 Alderman Henningsen, that this was going to be an
4 upscale, high-class nightclub.

5 I do have a letter here that Alderman
6 Henningsen directed to several people who were
7 opposed to the Pure application. This particular
8 letter was copied to me, but it was addressed to
9 one of my neighbors at 730 North Plankinton, and I'd
10 like to provide that to the committee and read to you
11 just a few excerpts of this, to give you Alderman
12 Henningsen's understanding of this establishment at
13 the time and the information that he provided to those
14 people who were opposed to it.

15 CHAIRMAN BOHL: One second here, Claude.
16 Mr. Schrimpf, I'm going to solicit your input on this,
17 on the potential relevance to the license in the last
18 year.

19 MR. SCHRIMPF: Well, Mr. Chairman, relevance
20 I don't think is the issue. The problem is that this
21 is classic hearsay, and it doesn't -- like the other
22 one, we had a business record exception. I'm not sure
23 that this fits into the business record exception as
24 it's not conduct -- it's not an activity in the
25 ordinary conduct of business, but it was apparently a

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1 special letter written by the alderman to the people.

2 MR. KRAWCZYK: I would be able to testify to
3 my conversations with Alderman Henningsen regarding
4 this establishment.

5 MR. SCHRIMPF: Yeah, but that's hearsay,
6 Mr. Chairman.

7 CHAIRMAN BOHL: What's that?

8 MR. SCHRIMPF: That's also hearsay.
9 Alderman Henningsen isn't here to be cross-examined.
10 That's the issue.

11 CHAIRMAN BOHL: We'll just ask, Claude, that
12 you move on here beyond that. We'll not admit that
13 into the record.

14 MR. KRAWCZYK: What I would like to tell
15 you is that our understanding was that this was going
16 to be an upscale, high-class establishment that would
17 not impact the neighbors. And, frankly, I was willing
18 to give him the benefit of the doubt originally early
19 on. I was hopeful that this was going to be the type
20 of establishment that was similar to Elsa's on
21 Jefferson Street, similar to Taylor's on Jefferson
22 Street, similar to Eve on Milwaukee Street, all of
23 which are high-class, upscale establishments. And
24 to my knowledge, those places have not caused
25 disturbances for their neighbors.

00050

1 I can tell you that I personally woke up to
2 the sound of gunshots on the early morning of November
3 15th, the incident in question that's been presented
4 here. I personally heard those gunshots from my
5 bedroom, from my bed in my apartment, and that was a
6 week after there was an earlier gunshot incident which
7 I did not hear. But after that gunshot incident in
8 the early morning hours of November 15th, I got
9 dressed and went downstairs and met with some of the
10 folks at Mo's, and I met with Sergeant Theis, among
11 others, on the street investigating the proceeding.
12 So I did not personally see the gunshots fired, but I
13 did personally hear them.

14 I can tell you that my conversation with
15 Sergeant Theis was to the effect that these incidents,
16 as far as large crowds appearing and disturbances on
17 the street, happen on a regular basis. And I can
18 personally tell you that I've heard the sounds of
19 police sirens, squad cars, the sounds of people
20 screaming and yelling at bar time on Friday nights
21 in particular, or early Saturday morning hours. I
22 personally witnessed those. I've personally been
23 awakened by those sounds.

24 This is not -- Although the gunshots were
25 a two-time occurrence, the loud noises and the police

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1 responses are certainly not a rare occurrence. And
2 we were assured, again, that this would be a high-
3 class establishment, that it would not impact us as
4 neighbors, and that we would not have trouble. And
5 we were assured that if it became a troublesome place,
6 that Alderman Henningsen would work to shut it down.
7 And I'm asking you, now that we don't have an alderman
8 in place, to take that into consideration.

9 The benefit of the doubt was given to
10 this operator. Unfortunately he hasn't been able
11 to deliver on his promises, and I think that his
12 premises is certainly impacting on the public safety
13 and welfare of the area.

14 MR. SCHRIMPF: Mr. Chairman?

15 CHAIRMAN BOHL: Thank you, Mr. Krawczyk.
16 Mr. Schrimpf?

17 MR. SCHRIMPF: Thank you. Mr. Krawczyk,
18 you indicated that you personally observed and heard
19 people yelling and screaming at bar time. Were you
20 in a position to be able to observe where these people
21 were coming from?

22 MR. KRAWCZYK: Yes, I was, Mr. Schrimpf.

23 MR. SCHRIMPF: And where were they coming
24 from?

25 MR. KRAWCZYK: Early on it was coming from

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1 the rear entrance, the Plankinton Avenue entrance.

2 MR. SCHRIMPF: Of Pure?

3 MR. KRAWCZYK: Of Pure, right. That, of
4 course, was closed -- I don't know exactly when, --
5 about six or eight months after they opened. But
6 that was the initial disturbance that we heard, and
7 we did provide -- we did make contacts to the police
8 department and to the alderman's office about those
9 incidents, and as a result, I think the operator
10 agreed to close that entrance.

11 MR. SCHRIMPF: Have you continued to hear
12 these people screaming and yelling at bar time?

13 MR. KRAWCZYK: Yes, I have.

14 MR. SCHRIMPF: Are you still able to observe
15 where they're coming from?

16 MR. KRAWCZYK: It's either milling about on
17 the street, -- Can I tell you that they're actually
18 exiting the Pure door? No, I cannot see Pure's front
19 door on Wisconsin Avenue from where I am.

20 MR. SCHRIMPF: From where you are.

21 MR. KRAWCZYK: Right.

22 MR. SCHRIMPF: Okay, thank you.

23 CHAIRMAN BOHL: Any other questions?

24 ALDERMAN DAVIS: Mr. Chairman.

25 CHAIRMAN BOHL: Alderman Davis.

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1 ALDERMAN DAVIS: Mr. Krawczyk, have you ever
2 went inside of Pure during its operation?

3 MR. KRAWCZYK: Yes.

4 ALDERMAN DAVIS: You have?

5 MR. KRAWCZYK: Yes.

6 ALDERMAN DAVIS: So because I've never been
7 in it, can you explain to me, what do you see on the
8 inside? Do you see patrons unruly on the inside?

9 MR. KRAWCZYK: No. I've only been in there
10 twice, actually. And, again, it was early on, to
11 satisfy my curiosity about what the place was about.
12 I did not notice any unruly activity.

13 CHAIRMAN BOHL: And it wasn't on the nights
14 that I was there as well.

15 MR. KRAWCZYK: It was early on, and it was
16 earlier in the evening as well.

17 ALDERMAN DAVIS: Have you ever observed
18 at 1:30, 2:00 in the morning, -- from these incident
19 reports, Wisconsin Avenue, -- have you ever observed,
20 you know, the crowds milling around on Wisconsin
21 Avenue?

22 MR. KRAWCZYK: Not only observed that, but
23 I observed squads cars on Wisconsin Avenue directing
24 people to move along, directing traffic along. I
25 don't think that that shows up in the police reports

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1 because there's no crime committed. It's simply a
2 traffic control matter, but those traffic control
3 incidents occur on a regular basis.

4 ALDERMAN DAVIS: Okay. And can you hear any
5 of the music from Pure Nightclub at your residence?

6 MR. KRAWCZYK: No.

7 ALDERMAN DAVIS: Okay. Thank you.

8 CHAIRMAN BOHL: Any other questions?

9 ALDERMAN GORDON: Mr. Chairman.

10 CHAIRMAN BOHL: Alderman Gordon.

11 ALDERMAN GORDON: Thank you. Mr. Krawczyk,
12 have you had an opportunity to speak with Mr. Berg
13 based on the observations that you've made since Pure
14 has been in operation?

15 MR. KRAWCZYK: Yes. We had a -- I attended
16 a meeting at the City Hall here, -- I believe it was
17 November 21st of this past year, -- regarding, in
18 particular, the two gunshot incidents, and at that
19 time Mr. Berg did make a promise to us that he would
20 not run a hip hop night, and he specifically used
21 those words, hip hop night. He said he would change
22 to a Top 40 format at that point in time. And that
23 was the promise that was made to us at that meeting
24 on the 21st. To my knowledge he's followed through
25 with that since that meeting.

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1 There were several other promises made at
2 that point as well about beefing up security, both
3 inside and outside. I don't know whether those have
4 been followed through.

5 ALDERMAN GORDON: But since that meeting,
6 there has been a change in circumstances regarding how
7 the club is operated.

8 MR. KRAWCZYK: There have been no further
9 gunshot incidents, but just this past Saturday night,
10 we did hear the response of squad cars, and Wisconsin
11 Avenue did have a traffic control situation, I guess
12 I'd call it.

13 ALDERMAN GORDON: But nothing other than
14 those situations?

15 MR. KRAWCZYK: Right.

16 ALDERMAN GORDON: Thank you.

17 CHAIRMAN BOHL: Other questions by
18 committee?

19 MR. SCHRIMPF: Mr. Chairman, just one
20 follow-up.

21 CHAIRMAN BOHL: Certainly, Mr. Schrimpf.

22 MR. SCHRIMPF: Following the November 21st
23 meeting, -- Is this the meeting that was with Roseann
24 St. Auben?

25 MR. KRAWCZYK: That's correct, yes.

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1 MR. SCHRIMPF: Since that November 21st
2 meeting, have you had any more incidents of being
3 disturbed by yelling or screaming?

4 MR. KRAWCZYK: Yeah. Again just this past
5 Saturday night, we heard quite a disturbance with
6 people yelling and the squad cars out, you know,
7 following bar time, I guess 1:30, 2:00 in the morning,
8 something like that.

9 MR. SCHRIMPF: Were you able to tell where
10 these came from?

11 MR. KRAWCZYK: Again, what I could see was
12 on Plankinton Avenue. I cannot see the entrance of
13 Pure on Wisconsin Avenue.

14 MR. SCHRIMPF: And you didn't go down.

15 MR. KRAWCZYK: Not this past time, no.

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

18 CHAIRMAN BOHL: Okay. I assume there are
19 other questions. Mr. Guerin?

20 MR. GUERIN: What night was it?

21 MR. KRAWCZYK: I believe it was this past
22 Saturday night.

23 MR. GUERIN: And it was a drunk driver
24 resulting in a chase that brought all the squads
25 there. It had nothing to do with Pure. Do you

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1 dispute that?

2 MR. KRAWCZYK: I have no idea what it was.

3 MR. GUERIN: I mean, I'll have Mr Berg
4 testify to that.

5 MR. KRAWCZYK: That may be it, but -- I
6 can't tell you what it was. All I can tell you is
7 that there was a traffic control situation that I
8 observed.

9 MR. GUERIN: Well, you say there's no
10 alderman in this district. They ought to elect one.

11 MR. KRAWCZYK: They ought to, yeah.

12 CHAIRMAN BOHL: I think he's trying to
13 accomplish that here, and -- But Mr. Guerin, I
14 would just ask you to direct your questions to the
15 committee, and then he can respond to them.

16 MR. KRAWCZYK: I think they will.

17 MR. GUERIN: It all depends. Bear with me.
18 Mr. Krawczyk, you are active in your -- in at least
19 the 4th Aldermanic District. You know what's going
20 on.

21 MR. KRAWCZYK: I'm also a member of the
22 Westown Board.

23 MR. GUERIN: And you're a member of the
24 Westown Board. So you know this traffic control
25 takes place in a lot of areas in the downtown area

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1 on Friday and Saturday night; is that right?

2 MR. KRAWCZYK: I've heard of it taking place
3 at the Park Bar and some other places.

4 MR. GUERIN: The Park Bar, it takes place
5 on Milwaukee Street, it takes place on Water Street,
6 and it takes place at some of the places that were
7 here before; is that right? I mean that's not
8 unusual.

9 MR. KRAWCZYK: I've heard that. I've never
10 personally experienced that or witnessed that.

11 MR. GUERIN: And I apologize, I should be
12 directing it to the chair. But that is, after all,
13 what constitutes the mixed-use of a downtown area; is
14 that correct?

15 MR. KRAWCZYK: I understand that.

16 MR. GUERIN: It wasn't a surprise to you
17 that there would be people coming out of bars, when
18 you moved to your property, because you live right
19 above at least one or two bars, right?

20 MR. KRAWCZYK: We're right next door to the
21 Rock Bottom. We've never had any disturbances from
22 the Rock Bottom, though, I can tell you that much.

23 MR. GUERIN: Well, other than hearing the
24 sirens, though, you really -- You asked Mr. Berg to
25 move the entrance to the Wisconsin Avenue side, which

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1 he did, and that's the net effect of it, but I have no
2 further questions. Thank you.

3 CHAIRMAN BOHL: Thank you, Mr. Krawczyk.
4 Sir, if you could identify yourself for the record.

5 MR. FRANCE: My name is Al France. I'm
6 currently the director of business development in
7 a consultive basis for Global Restaurant Systems
8 which oversees the management and development of
9 Mo's Restaurants. My office is at 142 Wisconsin,
10 and I reside at 730 Plankinton Avenue, so my interest
11 is both as a resident and as a professional.

12 CHAIRMAN BOHL: Is that F-r-a-n-z?

13 MR. FRANCE: Same as the country, sir.
14 France, F-r-a-n-c-e. My background prior to joining
15 Global Restaurant Systems is as a multi-unit operator
16 and multi-licenseholder in London, England, and I've
17 sat on similar kinds of boards as this being granted,
18 and defending, licenses for a six-year period.

19 The night of the first shooting was the
20 night that I had flown over from London, England
21 to meet with John Vassallo, the general manager
22 of Global Restaurant Systems, and he and I were in
23 the process of agreeing my joining his organization,
24 and we were sitting in the steakhouse with a local
25 celebrity by the name of Tony Kukoc, who is a

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1 Milwaukee Buck, and the three of us witnessed hearing
2 the shooting, the sirens, and everything else that
3 went after. Mr. Vassallo jumped up very quickly and
4 talked to the police. Unfortunately he can't be here
5 today. He's in Las Vegas.

6 From a personal point of view, my direct
7 experience was that I was very concerned for my
8 personal safety, and wondered if the decision I had
9 made to commit to Global Restaurant Systems and to
10 John Vassallo and the Mo's Restaurant commitment to
11 downtown, and, indeed, to Milwaukee, was a safe
12 decision for me to personally make. And certainly
13 living across the street, I'm very concerned going
14 across the street to my offices and conducting my
15 business in and around Mo's Restaurants.

16 What I have witnessed firsthand over a
17 continued period of time, -- and I can give you
18 numerous dates of when I've been in town to witness
19 this, -- after I've conducted my usual business
20 within business hours, I have an active role in the
21 supervision of the pub, in particular, on Wisconsin
22 Avenue, which I guess is really the only nighttime
23 neighbor to Pure, but also within the steakhouse as
24 well. And the police presence there is significant
25 on many nights during the week, and I would really

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1 like to understand the cost to the city on that, and
2 the direct potential input that that may have on our
3 taxes.

4 Having sat in the steakhouse, particularly
5 on the night of the shooting, there was discussion
6 that I was involved in with Tony Kukoc, who was very
7 concerned for his safety, and as I've already
8 reiterated, I was concerned for my safety, and there
9 was definitely a lot of head-turning going on and what
10 I perceived to be a genuine concern of a lot of very
11 alarmed customers at Mo's Steakhouse.

12 When I went across to the pub later that
13 evening, our staff was very concerned for their
14 safety, and some of the regular customers had also
15 voiced their concerns as well. Collectively we're
16 talking probably in the area of 30 to 50 people that
17 I visibly saw were concerned for their safety, and
18 very surprised with what was going on.

19 Moving forward in terms of the police
20 presence there and the cost to the city and the
21 cost to taxpayers and that sort of thing, I'm very
22 concerned about that as a businessman. And also I
23 would just like to know -- The facts are that the
24 shootings have been happening. The facts are that
25 certainly the second shooting -- The owner of the

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1 car was within Pure; is that correct?

2 CHAIRMAN BOHL: The report is what it is
3 as far as the record.

4 MR. FRANCE: All right. So I have no
5 further testimony.

6 CHAIRMAN BOHL: Okay. Thank you,
7 Mr. France. Questions by committee? Mr. Guerin?

8 MR. GUERIN: No questions.

9 CHAIRMAN BOHL: Thank you.

10 MR. GUERIN: Mr. Vassallo's presence has
11 been well noted here.

12 CHAIRMAN BOHL: Certainly. Absolutely.
13 And we hope for the continued indulgence in our city.
14 Mr. Vassallo is certainly a good business owner here.
15 Sir?

16 MR. WIECH: Good afternoon. My name is Dean
17 Wiech. I'm the general manager of the Howard Johnson
18 located right next to Pure. This is the fourth time
19 that I've come for meetings relative to --

20 CHAIRMAN BOHL: I'm sorry, it was Dean
21 Wiech?

22 MR. WIECH: W-i-e-c-h.

23 CHAIRMAN BOHL: Thank you.

24 MR. WIECH: This is the fourth time I've
25 come to meetings, and going back to the fall of 2001,

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1 the group that is opposing this license is voicing the
2 same concerns that have been going on from day one,
3 specifically to our hotel.

4 The noise issue has been an ongoing issue
5 that has turned into almost an acceptance on the part
6 of our staff, and a regular duty of mine, to apologize
7 for noise situations that occur the previous evening,
8 and typically on a Friday.

9 We have had the place tested on a couple
10 different occasions for noise levels. Unfortunately,
11 the ordinance is the same during the day as it is at
12 1:00 in the morning. So in order to get to the level
13 that would cause a problem, it would have to be
14 extremely loud. In fact, the letter states, "This
15 allows for quite a bit of noise requiring the
16 measurement to be taken at an extremely loud occasion.
17 Unfortunately these allowable levels are the same
18 during the day as they are overnight."

19 This has caused problems for guests on a
20 regular occasion, not only with the sound levels which
21 come from Pure, but the emptying of trash that goes on
22 at times in the middle of the night when they're
23 cleaning up and finishing up their business.

24 Our main issue is, and always has been,
25 noise and how disruptive it is to our business.

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1 We recently lost a key account, and one of the
2 contributing factors was they stay during the week.
3 Their last day is Friday. With the Thursday night
4 noise, we ultimately lost this account. Whenever I
5 get a complaint that comes through, it costs us money
6 from our Howard Johnson, and it also costs me effort
7 and time.

8 I'm not going to reference the letter that
9 Mr. Krawczyk had because you do not want that, but
10 many of the things that were countered by Alderman
11 Henningsen at the time have turned out to be true.
12 They were not fear and speculation, but they have
13 turned into legitimate concerns and complaints from
14 the residents and the people around that area.

15 CHAIRMAN BOHL: Thank you. Are there any
16 questions by this committee of Mr. Wiech?

17 MR. SCHRIMPF: Mr. Chairman?

18 CHAIRMAN BOHL: Mr. Schrimpf.

19 MR. SCHRIMPF: Thank you. Mr. Wiech, I
20 recall one of your previous appearances here. You
21 indicated that on Fridays, -- if I recall the
22 testimony correctly, I think it was on Friday and
23 Saturdays nights, it was difficult for the Howard
24 Johnson to rent rooms that had a wall that faced
25 towards Pure Nightclub. Am I recalling that testimony

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1 correctly?

2 MR. WIECH: Well, it isn't so much that
3 it's difficult to rent them. I mean you can rent the
4 rooms, but we avoid putting people in those rooms
5 because it abuts right up against the alley.

6 MR. SCHRIMPF: And I take it these are
7 sleeping rooms. These are conventional rooms.

8 MR. WIECH: Correct.

9 MR. SCHRIMPF: It's not like it's a
10 conference room.

11 MR. WIECH: Correct. These are guest rooms.
12 It would be like 09 to 014. So roughly five rooms per
13 floor up that east face of our property, we try to
14 avoid renting on the weekends. They're usually the
15 last rooms to be rented.

16 MR. SCHRIMPF: Have you had to give any
17 refunds specifically because of noise?

18 MR. WIECH: Yes, we had to discount rooms.
19 It's usually something that you'll do based on their
20 level of protesting, you know.

21 MR. SCHRIMPF: Do you have any accountant's
22 figures as to how much this has cost the Howard
23 Johnson?

24 MR. WIECH: No, I would not have that with
25 me.

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1 MR. SCHRIMPF: Okay. That's all I have.
2 Thank you, Mr. Chairman.

3 CHAIRMAN BOHL: Any other questions by
4 committee? Mr. Guerin?

5 MR. GUERIN: This noise issue is something
6 that you -- By the way, Howard Johnson is a member of
7 Westown, right?

8 MR. WIECH: Correct.

9 MR. GUERIN: Okay. And you made --

10 MR. WIECH: I'm not sure if we're paid up to
11 speed, but we are a member.

12 MR. GUERIN: All you do is pay. You did
13 make some complaints to the health department about
14 the noise?

15 MR. WIECH: Yes. In fact, I made complaints
16 through Alderman Henningsen's office, and the
17 Department of Neighborhood Services sent a woman to do
18 testing from guest rooms.

19 MR. GUERIN: On four separate occasions.

20 MR. WIECH: I believe four, correct.

21 MR. GUERIN: And they told you it was within
22 the acceptable level, right?

23 MR. WIECH: Yes. I have a copy of one of
24 the e-mails if you want to read it.

25 MR. GUERIN: No thank you.

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1 MR. WIECH: It references again the fact
2 that the noise levels during the day are the same as
3 sleeping.

4 CHAIRMAN BOHL: Incidentally, that is --
5 I'm sorry. And I understand that you've indicated
6 that, but that is not my understanding. There is a
7 change in threshold.

8 MR. WIECH: This is dated 9/13 of 2002, so
9 unless something's happened since then, --

10 CHAIRMAN BOHL: I don't know if there's a
11 difference between --

12 MR. WIECH: Well, this is from --

13 CHAIRMAN BOHL: I know that there's a
14 threshold that changes either 9 or 10:00 at night,
15 where you can be cited during the daytime for a noise
16 ordinance, and I don't know if -- it goes from, I
17 think, 350 to 200 feet, but notwithstanding that,
18 there is a difference.

19 MR. WIECH: That perhaps is by district.
20 Our district is C-9.

21 CHAIRMAN BOHL: Okay. Possibly, possibly,
22 possibly. Any other questions, Mr. Guerin?

23 MR. GUERIN: Nothing.

24 CHAIRMAN BOHL: Thank you, Mr. Wiech.
25 Sir, we'll go to you, and somebody can fill that

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1 chair.

2 MR. KRUESEL: Hi. I'm Jeff Kruesel,
3 K-r-u-e-s-e-l. I am director of leasing for Towne
4 Realty. I, in fact, also was at, I think, three
5 previous meetings here during the initial licensing
6 request.

7 I know that each of the committees have
8 received a fax from Tom Bernocki at Towne Realty, and
9 that fax -- I'm here to allow that to be part of the
10 record.

11 CHAIRMAN BOHL: Well, the problem is --

12 MR. KRUESEL: This is signed as Towne
13 Realty, and I am --

14 CHAIRMAN BOHL: It may be the letterhead.
15 However, Mr. Schrimpf, I know, is not going to
16 disagree with me on this one. If Mr. Bernocki is not
17 present to testify that he either was the writer or
18 the signer of that, you yourself provide hearsay
19 evidence as to such. Is that correct?

20 MR. SCHRIMPF: That is correct,
21 Mr. Chairman. That is hearsay evidence.

22 CHAIRMAN BOHL: You, as a representative
23 from Towne Realty, can provide input, but --

24 MR. KRUESEL: Would you -- Can I read this
25 to enter this?

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1 CHAIRMAN BOHL: Hold on Mr. Kruesel, please.
2 I don't make the rules.

3 MR. KRUESEL: Oh, I understand.

4 CHAIRMAN BOHL: Sometimes I'm the bearer of
5 bad news, but I mean that's what we have to go with,
6 and we have legal -- Once a license is granted, there
7 are property rights in that license, and we don't make
8 the rules, but I understand of course certainly you
9 can expound on it as a representative from Towne
10 Realty.

11 MR. KRUESEL: As a representative of Towne
12 Realty, we would like to submit -- or I would like to
13 express my opinion that you do not renew the Class
14 B license for Utopia doing business as Pure at 162
15 West Wisconsin Avenue.

16 The reason is because of two consecutive
17 Friday nights or slash Saturday mornings, November
18 7th, slash 8th, and November 14th, slash 15th. The
19 gunfire that took place. And you have all heard all
20 of the testimony about that. For these reasons Towne
21 Realty does not want the renewal of this license.

22 CHAIRMAN BOHL: Okay. Thank you,
23 Mr. Kruesel. Are there questions by committee?
24 Mr. Guerin?

25 MR. GUERIN: You weren't present during any

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1 of these. You heard about these shootings, right?

2 MR. KRUESEL: I was not present during any

3 of these.

4 CHAIRMAN BOHL: Thank you, Mr. Kruesel. We
5 appreciate it.

6 MS. STEPHENSON: My name is Darva
7 Stephenson, S-t-e-p-h-e-n-s-o-n. I am vice president
8 of Mo's Restaurant Groups which represents Mo's, A
9 Place for Steak, Mo's Market, and Mo's Irish Pub. I
10 also have owner interest in Mo's Irish Pub as well.

11 I live across the street at 730 North
12 Plankinton, the Riverfront Lofts, and I have worked
13 for the company for four and a half years, since the
14 beginning.

15 What I can testify to is the fact that -- I
16 oppose the liquor license renewal of this, and I can
17 personally testify to witnessing people leaving Pure
18 on the nights in question, walking out the door,
19 loitering in the street, standing outside.

20 I've witnessed Friday after Friday after
21 Friday of the police shutting down the street, and as
22 a person in a management capacity having the liberty
23 to being able to move about freely and stand outside
24 and watch people directly walk out the door of Pure,
25 stand in the streets, fight with each other, have the

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1 police interact with them, have the police shut down
2 the streets from the patrons coming directly out of
3 the door.

4 I live across the street as I stated. The
5 first shooting I was not in town for. The second
6 shooting I was in my house. I heard all eight shots
7 that were fired, called the pub immediately, went
8 downstairs, went running out, spoke with the police
9 department that night as well as my staff, as to what
10 had happened and the effect of it on the business
11 interests, especially in the pub itself. The
12 customers were shaken, the staff was shaken.

13 As stated, the SUV was parked directly
14 across the street from the pub in front of T.J. Maxx.
15 If that car was parked on the other side of the
16 street, the shots would have gone right through the
17 pub's windows, and I had many people sitting right
18 near the windows. It has a huge impact on our
19 business and on the safety of our customers in there,
20 and because of that I object to this.

21 CHAIRMAN BOHL: Okay. Thank you,
22 Miss Stephenson. One of the questions for you, you
23 indicated that your position with the restaurant group
24 is as?

25 MS. STEPHENSON: Vice president.

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1 CHAIRMAN BOHL: Vice president?
2 MS. STEPHENSON: Uh-hmm.
3 CHAIRMAN BOHL: Are you yourself directly
4 involved during normal nighttime operations of these
5 facilities?
6 MS. STEPHENSON: Absolutely.
7 CHAIRMAN BOHL: I wondered does that include
8 the new Irish Pub then as well, too?
9 MS. STEPHENSON: Absolutely.
10 CHAIRMAN BOHL: What are your typical hours
11 of operation?
12 MS. STEPHENSON: My personal schedule? I
13 usually arrive at work somewhere between 11:00 in the
14 afternoon and noon, and typically I'm there between 1
15 and 3 a.m., all through the day and all through the
16 night.
17 CHAIRMAN BOHL: I have been in the pub on
18 one occasion. Very nice place. I've not been there
19 late at night. I don't know what type of crowd it's
20 drawing in the later hours as well, too.
21 Is there any problem in terms of large -- I
22 mean are you drawing large crowds late at night that
23 may also spill in and overflow into Wisconsin Avenue?
24 What are we seeing from -- Because you are the
25 immediate adjacent property to Pure to the east.

00073

1 MR. STEPHENSON: We are. What I'm observing
2 later at night, especially on the weekends, since that
3 seems to be what's in question is the Friday nights in
4 particular, when the police are shutting down
5 Wisconsin Avenue and doing crowd control.

6 Most of our crowd for the most part will
7 start to dissipate between 12:30, 1 a.m., 1:15 a.m.,
8 prior to the masses leaving Pure. Usually by about
9 1:30 in the morning or so, I would say on any given
10 night, especially on the weekend, we would have
11 anywhere between probably about 50, maybe 75 people
12 kind of matriculating our and moving through -- Most
13 of our crowd leaves prior to that. It's not
14 necessarily an institution that has hundreds of
15 people at bar time that you're pushing out the door
16 and out into the streets.

17 MR. SCHRIMPF: Mr. Chairman?

18 ALDERMAN BOHL: Mr. Schrimpf.

19 MR. SCHRIMPF: Thank you. Miss Stephenson,
20 how frequently do you see these large crowds exiting
21 Pure?

22 MS. STEPHENSON: Exiting Pure? I would say
23 every Friday, in particular Friday and Saturday
24 nights. In particular in the last two months, I have
25 been outside because of the problems and because of

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1 the police presence to make sure that my patrons
2 have -- feel comfortable actually leaving the
3 building, and to kind of address any concerns and
4 head off any issues that people have when they get to
5 the door, and they see all these police. They see
6 everyone outside and the crowds, and I try to help
7 them through that and see exactly what's going on.

8 MR. SCHRIMPF: And the police are shutting
9 down Wisconsin Avenue?

10 MS. STEPHENSON: That's correct.

11 MR. SCHRIMPF: These are Milwaukee police
12 squads?

13 MS. STEPHENSON: The Milwaukee Police
14 Department, that is correct.

15 MR. SCHRIMPF: Do you have any idea as to
16 why they're shutting down Wisconsin Avenue?

17 MS. STEPHENSON: All I can attest it to is
18 just the mass group of people that leave. They stand
19 in the street, they block traffic. This has been
20 going on, as far as I can say, probably since the end
21 of September, October, that the police on a frequent
22 basis have been shutting down Wisconsin Avenue at bar
23 time.

24 The people that they are trying to do crowd
25 control for are directly leaving Pure, which I've seen

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1 on every occasion, and then with the shootings, it was
2 escalated with the shootings. As stated after the two
3 shootings, Pure was then closed the following Friday,
4 so obviously there were no incidents. The police were
5 not present, the roads were not shut down. At that
6 time things were fine. The next weekend went well,
7 things were fine.

8 And then you go into the last day that I
9 personally observed people walking out of Pure, and
10 the Milwaukee Police Department shutting down
11 Wisconsin Avenue again, was December 26th, late Friday
12 night, early Saturday morning, the morning of the 27th
13 right after Christmas. Again the police showed up
14 probably about 1:45 in the morning. Wisconsin Avenue
15 was shut down again. I again was outside of the Irish
16 Pub along with the owner, John Vassallo, who's not
17 here, and personally watched people exit Pure, stand
18 in the streets, and the Milwaukee Police Department
19 had to escort them and kind of move everybody along.

20 MR. SCHRIMPF: Do you remember construction
21 on Wisconsin Avenue?

22 MS. STEPHENSON: I do.

23 MR. SCHRIMPF: Do you remember when that
24 construction was taking place?

25 MS. STEPHENSON: The construction as far as

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1 I recall was in September, October, possibly the
2 beginning of November when the two shootings had
3 occurred there, at least for the first shooting. I'm
4 not positive. I believe the construction was removed
5 for the second shooting. There was absolutely no
6 barricading on the street anywhere. The construction
7 was finished, and the incident I witnessed on December
8 26th, the morning of the 27th right after Christmas,
9 there was absolutely no construction on Wisconsin
10 Avenue. The lanes were open.

11 MR. SCHRIMPF: In the process of seeing
12 these crowds that you've referenced on the dates that
13 you've referenced them, were you in a position to
14 observe and/or hear whether or not the crowds were
15 noisy?

16 MS. STEPHENSON: The crowds were noisy. I
17 was standing outside. People were yelling in the
18 streets, yelling across the streets at each other,
19 yelling at cars going by.

20 MR. SCHRIMPF: On the occasions that you've
21 referenced and the dates that you've referenced, were
22 you able to determine, or did you -- strike that, --
23 did you see any individuals in these crowds exiting
24 from Pure fighting?

25 MS. STEPHENSON: Yes, on one occasion.

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1 I'm not quite sure what the date was. It was before
2 the shooting, maybe a week or two before. There were
3 two women that exited Pure, -- two or three women or
4 groups of girls is maybe what you would say, that had
5 exited, got into a fight on Wisconsin Avenue in the
6 street, and one of them did strike an officer that I
7 witnessed.

8 MR. SCHRIMPF: Was the fight among the
9 individuals that you saw physical or was it verbal?

10 MS. STEPHENSON: First it was verbal,
11 yelling at each other, swearing. There was pushing
12 and shoving between the two groups that kind of were
13 friends or representatives of each of the women, and
14 then the two women went at it and started fighting
15 with each other. The police had already been out
16 there and had the street shut down. The police were
17 there when this happened.

18 The two officers went in to pull the two
19 women apart, and the one swung at the other woman that
20 was being pulled away, and she did hit the officer.
21 That I did witness.

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

24 ALDERMAN DAVIS: Mr. Chair?

25 CHAIRMAN BOHL: Alderman Davis.

00078

1 ALDERMAN DAVIS: Miss Stephenson, are you
2 familiar with cruising?

3 MS. STEPHENSON: Cruising, yes, as far as
4 driving up and down slowly on the street.

5 ALDERMAN DAVIS: Have you ever witnessed any
6 cruising up and down Wisconsin Avenue out in front of
7 your establishment?

8 MS. STEPHENSON: Yes, I have.

9 ALDERMAN DAVIS: You have. And have you
10 witnessed cruising before bar time, meaning when --
11 before patrons leave Pure, have you saw that type of
12 activity out in front on Wisconsin Avenue?

13 MS. STEPHENSON: The times that I would see
14 it, I would say it would be close to somewhere between
15 right around 1:30 in the morning, beginning maybe a
16 little sooner some days, maybe a little bit later on
17 others, where you see the same cars going up and down
18 with loud music blaring out, windows rolled down, men
19 and women in the cars yelling at people in the street
20 that are leaving Pure at that time. Whether they're
21 trying to pick up women, I think was stated somewhere
22 else earlier in the testimony, but yes, I have
23 witnessed that on many occasions.

24 ALDERMAN DAVIS: So you've witnessed
25 cruising as you know it on Wisconsin Avenue.

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1 MS. STEPHENSON: Absolutely.

2 ALDERMAN DAVIS: Now, when you say that they
3 shut down Wisconsin Avenue and the police cordons it
4 off, are there cars on Wisconsin Avenue that are
5 exiting Pure at the same time, or when the police shut
6 it down, is it just pedestrians or patrons from Pure
7 on Wisconsin Avenue?

8 MS. STEPHENSON: It kind of starts as a
9 little bit of both. Originally what will end up
10 happening is the police will pull squad cars up and
11 kind of barricade Wisconsin Avenue right at the corner
12 of Plankinton. The officers will get out of the car
13 and stand out there. There are cars -- And then it
14 will go down, I believe, to 2nd Street. On the other
15 end of Plankinton there will be officers down there as
16 well, kind of keeping that initial block right in
17 front of Pure clean.

18 However, there are cars parked on both sides
19 of the street, so there are patrons leaving, which I
20 have witnessed walk out of Pure's doors and get into
21 cars that they have parked in front of this location,
22 get in the cars and then drive away. So there is
23 interaction at that point, which is more or less
24 people just trying to leave the business because their
25 car is parked there, kind of driving through and

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1 talking to other patrons who are exiting Pure at that
2 time.

3 ALDERMAN DAVIS: Thank you.

4 CHAIRMAN BOHL: Other questions by committee
5 members? Mr. Guerin?

6 MR. GUERIN: Miss Stephenson, when this
7 woman struck the police officer, did the police
8 officer arrest her?

9 MS. STEPHENSON: She was arrested and put in
10 a squad car. I don't know if her rights were read, but
11 she was put in handcuffs and escorted to a squad car
12 and put in it.

13 MR. GUERIN: Now, you've been in the
14 business a little bit of time, and you know when
15 people leave they sometimes don't leave right away,
16 correct?

17 MS. STEPHENSON: Correct.

18 MR. GUERIN: That happens in the restaurant
19 business as well.

20 MS. STEPHENSON: Very infrequently, but
21 people will --

22 MR. GUERIN: I've been there. People stop
23 outside and visit. They're waiting for the valet
24 parking and stuff like that, and they holler
25 periodically because they have had a couple drinks,

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1 right?

2 MS. STEPHENSON: Yeah.

3 MR. GUERIN: But these patrons you talk
4 about, they're different than your patrons. Do they
5 ever come into your restaurant at all?

6 MS. STEPHENSON: Very, very infrequently if
7 ever. I've never directly seen anyone walk out of
8 Pure and walk into the steakhouse.

9 MR. GUERIN: You'd be able to tell them
10 apart from your clients, right?

11 MS. STEPHENSON: Absolutely.

12 MR. GUERIN: Thank you. Nothing further.

13 CHAIRMAN BOHL: Mr. Guerin, in the future
14 if you could stay with the microphone. Thank you,
15 Miss Stephenson, and I'm looking forward to hearing
16 what I'm going to hear from you.

17 MR. WHITCOMB: Thank you, Mr. Chairman. My
18 name is Michael Whitcomb. I'm an attorney. My office
19 is located at 633 West Wisconsin Avenue, and I'm here
20 on behalf of Johnny Vassallo and the corporations with
21 whom he is associated with which owns -- leases to
22 three locations in the area.

23 First off, just for the record, I was in
24 attendance at meetings when Pure first opened before
25 they even applied for their license. I was in

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1 attendance at the meeting on November 18th, 2003
2 called at the request of Towne Hotel and organized by
3 Roseann St. Auben of the mayor's office.

4 I will present to the chairman three copies
5 of the attendance sheet from the meeting. I think
6 there's some confusion as to the date of the meeting.
7 That meeting was conducted on November 18th, not the
8 21st. I don't believe there will be any problem as
9 to hearsay. The licensee was in attendance at the
10 meeting.

11 CHAIRMAN BOHL: We're aware the meeting took
12 place, and I don't know what the relevance is, and you
13 can speak to that if there is one, but --

14 MR. WHITCOMB: It's the date of the meeting.

15 CHAIRMAN BOHL: In terms of the date, all
16 right.

17 MR. WHITCOMB: And also the 23 people that
18 were in attendance as a result of two shootings in a
19 very brief period of time. Mr. Vassallo would like
20 this committee to understand that over the course of
21 four years, he has, through his corporate entities,
22 invested over \$3 million in capital improvements at
23 the corner of Plankinton and Wisconsin Avenue and
24 those three establishments. He generates revenues of
25 approximately -- These three businesses, Mo's, the

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1 cafe, and now the pub, generate on an average of eight
2 to nine million dollars a year in revenue. He has a
3 work force of over 130 people, and on an annual basis
4 he serves or brings downtown two to 300,000 people.
5 He is prepared to close three doors unless this
6 problem is resolved.

7 As you might know, he's opened
8 establishments in other cities in this country, most
9 primarily in Indianapolis. He's prepared to shut it
10 down and move his operation to Indianapolis. He has
11 had enough.

12 MR. GUERIN: Yeah, right.

13 MR. WHITCOMB: I would appreciate editorial
14 comments kept to yourself.

15 MR. GUERIN: Okay. I would be happy to put
16 them on the record.

17 CHAIRMAN BOHL: Mr. Whitcomb and Mr. Guerin,
18 please.

19 MR. WHITCOMB: As was indicated by me on
20 behalf of clients I have downtown, most particularly
21 Mr. Vassallo, this location -- this type of
22 establishment at this location, probably the second
23 most valuable intersection from a real estate
24 standpoint in the City of Milwaukee, the intersection
25 of Wisconsin Avenue and Plankinton, is just not a

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1 proper location for this type of business. It's not.
2 It is a threat. It has been a threat to NML,
3 Northwestern Mutual Life Insurance Company, and its
4 ownership interest in the Grand Avenue Mall. It is a
5 threat to the investment of Mr. Vassallo.

6 Prior to this establishment arriving and
7 being licensed, it -- And even on the Friday after
8 the meeting on the 18th when he said he would be
9 closed, -- which at that meeting on the 18th he
10 referred to Fridays as hip hop night, not Top 40
11 night. It was hip hop night, contrary to his
12 assurances he made to members of the committee earlier
13 he would not have hip hop music so as to attract the
14 youthful, energetic crowds at that intersection in
15 downtown Milwaukee.

16 Prior to his arrival, and on that Friday he
17 was closed, there was no problem with traffic in that
18 area, there was no problem with crowds, there was no
19 problems with guns or shootings, and we respectfully
20 submit that if this license is renewed, there won't
21 be any further problems.

22 I'd also like to point out the fact, which
23 was testified to by one of my client's employees,
24 that yes, indeed, there was testimony that the SUV
25 that was shot -- there's testimony from the licensee

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1 that it was intentionally shot, and that the owner of
2 that SUV was inside. Well, if it's an intentional
3 shooting, then the person who shot the vehicle was
4 getting after a person who was a patron of his
5 establishment.

6 I respectfully request on behalf of
7 Mr. Vassallo, his related corporations, his landlord,
8 Towne Realty Company, and the various neighbors that
9 have been affected by this operation and have been, I
10 think, quite tolerant over the last two years in
11 working with him, that this license not be renewed.

12 Downtown is coming back after almost 35
13 years. A shooting downtown publicly displayed
14 anywhere will once again keep people from coming
15 downtown. We want to encourage people to come
16 downtown, become familiar with it, not scare them
17 away by one or two incidents of operations that in
18 other locations of the city would operate
19 successfully, but not in the heart of the city. We
20 respectfully request on behalf of Mr. Vassallo that
21 this license renewal application be denied with your
22 committee's recommendation. Thank you.

23 CHAIRMAN BOHL: Thank you, Mr. Whitcomb.
24 And, again, Mr. Guerin did you want a copy of that
25 sign-in sheet?

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1

MR. GUERIN: Yeah.

2

CHAIRMAN BOHL: We'll have Alderman Gordon
3 move to make this attendance sheet from 11/18/03
4 part of our record. Is there any objection to that?
5 Hearing none, so ordered. Questions by committee of
6 Mr. Whitcomb?

7

MR. SCHRIMPF: That's a tempting thought,
8 Mr. Chairman.

9

ALDERMAN WITKOWSKI: Mr. Chairman?

10

CHAIRMAN BOHL: Alderman Witkowski.

11

ALDERMAN WITKOWSKI: I just wanted to make
12 sure I heard. You actually oppose the license?

13

MR. WHITCOMB: In support of maintaining
14 others in the downtown area.

15

ALDERMAN DAVIS: Mr. Chairman?

16

CHAIRMAN BOHL: Alderman Davis.

17

ALDERMAN DAVIS: Before we move on, you
18 know, there's been some inferences to hip hop and its
19 negativity, and I need to state on the record that
20 there is a difference between rap music and hip hop.
21 The Bingyae Cafe (phonetic) does hip hop, and hip hop
22 is the spoken word. Rap music is the one that we're
23 having a problem with, okay? And that's where it
24 becomes violent.

25

There are establishments that can conduct

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1 hip hop very appropriately. It's a culture of music,
2 and we need to make sure that we draw that distinction
3 because otherwise I don't want any of those who
4 believe in hip hop as a culture to be discouraged.
5 But there is an aspect of rap music, that I agree with
6 you, that may be detrimental to the betterment of what
7 we're trying to do with downtown Milwaukee, so,
8 Mr. Chair, I wanted to make sure we put that on the
9 record so those two distinctions doesn't get near.

10 CHAIRMAN BOHL: And maybe you and I
11 afterwards will have to have a discussion where you
12 can clue me in as to the differentiation of the two.

13 ALDERMAN DAVIS: As long as you don't rap.

14 CHAIRMAN BOHL: I'm not going to do that.
15 Any other questions, comments? Mr. Guerin? As much
16 as that may tempt you here.

17 MR. GUERIN: Mr. Whitcomb is here on behalf
18 of Mr. Vassallo as most of the other witnesses are, so
19 I guess my questions would be redundant.

20 CHAIRMAN BOHL: Thank you. In response
21 to -- I think it was Mr. Wiech, we actually looked
22 it up if there is a differentiation in hours in the
23 noise ordinance. You are correct. Downtown is the
24 same. Every other area in the city there is a
25 differentiation where the threshold does increase.

00088

1 Maybe that's something, when you get representation
2 downtown, to take up with the 4th District alder-
3 person. Sir, you are intending to testify here?

4 MR. BARTSCH: My name is Brian Bartsch,
5 B-a-r-t-s-c-h, and I'm the bar manager at Mo's Irish
6 Pub, and I'm here to testify as a witness to the first
7 shooting, I believe.

8 What I saw happened from inside the pub is
9 the fight started on the north side of the street, the
10 side that the pub and Pure is on. It moved across the
11 street. The fight started out as 10 people. By the
12 end, there were probably 20 people out there in the
13 middle of the street.

14 As the fight went on for about 10, 15
15 minutes, one of the gentlemen stuck a gun up in the
16 air and fired, I believe it was, three gunshots into
17 the air, and at which point everyone scattered.

18 ALDERMAN BOHL: And you said that the fight
19 emanated off of the sidewalk and into the street?

20 MR. BARTSCH: Yes.

21 CHAIRMAN BOHL: Was it was it on the
22 sidewalk on Wisconsin Avenue?

23 MR. BARTSCH: Yes. It was on Wisconsin
24 Avenue starting on the Pure side, and then it trickled
25 all the way over to the other side which the mall is

00089

1 on, so it went all the way through the street. It
2 started on Pure's side and ended on --

3 CHAIRMAN BOHL: And you witnessed this from
4 the inside through the windows?

5 MR. BARTSCH: Through the windows of Mo's,
6 yes.

7 CHAIRMAN BOHL: Questions by committee?
8 Mr. Guerin?

9 MR. GUERIN: You work at Mr. Vassallo's
10 restaurant, right?

11 MR. BARTSCH: That's correct.

12 MR. GUERIN: And you gave your name to the
13 police that you were a witness to this?

14 MR. BARTSCH: Actually, no. They didn't
15 come and talk to me.

16 MR. GUERIN: Oh, they didn't talk to you.
17 Okay, thank you very much. Nothing further.

18 CHAIRMAN BOHL: Okay. Thank you. Any
19 others?

20 MR. JULKA: I was not planning on speaking,
21 so I did not raise my hand when everyone was sworn in.

22 CHAIRMAN BOHL: Okay, so we will swear you
23 in.

24 (Whereupon Mr. Julka was sworn under oath.)

25 MR. JULKA: My name is Jim Julka, J-u-l-k-a.

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1 730 North Plankinton is my residence. I decided to
2 speak because I want to make sure that you understand
3 that the residents oppose this as well, and not just
4 the business owners and some of the other people who
5 spoke.

6 Also Mr. Guerin just made an offhand comment
7 which I found offensive, that most of the people here
8 were speaking on behalf of John Vassallo, and that's
9 not true. I'm speaking on behalf of the fact that I
10 have invested \$425,000 in a condominium, and I expect
11 my value to maintain. It cannot do that if we have
12 incidents like we've had in the last month, two
13 months.

14 This, although we're focusing on these
15 incidents, are not uncommon, and if we just look at
16 the last year, -- because obviously the previous year
17 was the last license renewal period, -- in the last
18 year from my residence, from the balcony of my
19 residence, I can see the corner of Plankinton and
20 Wisconsin. I have been awoken -- I'm on the 10th
21 floor of the building, I'm not on a lower floor. I'm
22 on the 10th floor. I've been awoken at least a dozen
23 times by patrons. At least eight of those times there
24 has been police presence with bull horns telling
25 people to disburse, with sirens, with loud music from

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1 cars that are stuck at that corner of Plankinton and
2 Wisconsin because they're trying to pass by the club
3 again, and they're trying to reroute them in other
4 directions. So it's not acceptable as a resident.
5 Business owner, all other stuff aside, as a resident
6 and taxpayer of the city, it's not acceptable for my
7 well-being and my living environment.

8 I understand that living downtown has its
9 faults for some people. I understood when I moved
10 down there that there was going to be noise, and I'm
11 there 365 nights a year except when I'm out of town.
12 I understand that there's noise, but unacceptable
13 noise levels, noise levels that are not common
14 occurrences and common everyday business, are not
15 acceptable.

16 MR. SCHRIMPF: Mr. Chairman?

17 CHAIRMAN BOHL: Mr. Schrimpf.

18 MR. SCHRIMPF: Thank you. How frequently
19 do you experience these disruptions of your life,
20 awakenings in the night and that sort of thing?

21 MR. JULKA: I would say in the last year
22 there's been at least a dozen times.

23 MR. SCHRIMPF: Are these mostly on weekends?

24 MR. JULKA: Yes, Friday nights mainly.
25 Saturday it does occur as well, though.

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1 MR. SCHRIMPF: Okay. How do you know that
2 it is in particular the patrons of Pure that is
3 causing the disruption that awakens you?

4 MR. JULKA: Well, I guess the first thing
5 you'd look at is is there a show at the Riverside
6 letting out at one, two in the morning, and there
7 isn't. Before Mo's Irish Pub was there, there weren't
8 any other businesses right on Wisconsin Avenue that
9 were open at that time. Mo's Deli is directly across
10 from us, so I can see that door, and Mo's Steakhouse
11 is next door to us. I can see that door. What other
12 businesses are in the area?

13 There was Hooter's. Never had a problem
14 with Hooter's and never experienced, I believe, that I
15 saw, the people coming out of Hooter's being the
16 people that were being directed on the street. Never
17 had a problem with Rock Bottom Brewery which is to the
18 north of us. Those people exit right below us, so I
19 can see those people on the street as well, so I would
20 assume -- No, I did not see people physically leaving
21 the front door, but I can assume that those people
22 that are on the street in that block are there because
23 of leaving Pure.

24 MR. SCHRIMPF: Is it safe to say that
25 because -- by the process of elimination, it only

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1 leaves us Pure?

2 MR. JULKA: Yes.

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

4 Mr. Chairman. Thank you.

5 CHAIRMAN BOHL: Thank you, Mr. Schrimpf.

6 Other questions by committee of Mr. Julka?

7 Mr. Guerin?

8 MR. GUERIN: None.

9 CHAIRMAN BOHL: Is there anyone else who has

10 not come forward as of now who wishes to testify? I

11 see none. Mr. Guerin, I'm going to allow you to, if

12 you so choose, to have Mr. Berg provide testimony.

13 This is your opportunity. Otherwise you can sweep

14 into whatever closing you would like.

15 MR. GUERIN: Let me take one second and see.

16 CHAIRMAN BOHL: Sure.

17 MR. GUERIN: We have nothing further. He

18 has nothing further to say. I have lots to say, but

19 I'm not going to take your time. You've been more

20 than generous allowing -- And contrary to Mr. Julka, I

21 would apologize to him personally if he was offended

22 by the remark that the majority of the people here

23 represent Mr. Vassallo, but I've been keeping track.

24 They do. This is an individual that opposed this

25 thing when it first got in, and he's continued to

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1 lead the charge.

2 But the reality is we've had two incidents
3 that's reasonably suggestive that this young man
4 hasn't done everything he's supposed to do as far as
5 operating that thing, but in all due respect, if two
6 people get into a fight in a tavern, and the
7 proprietors say, look, out with you already, and they
8 throw the aggressors out, the other guy can stay there
9 for a little bit and ask for police security but
10 didn't feel that was necessary, and neither did they.
11 They ended up meeting up in the front again. Yeah,
12 that's too bad, it really is, and it has to be avoided
13 in the future as best he can.

14 The other one, this car that's parked on
15 the avenue, that could be something from some other
16 situation, but there's no suggestion that that came
17 from his tavern. If the man was inside, -- if the man
18 that owns this very distinctive-looking vehicle was
19 inside and he's the target, why -- because it's the
20 same thing that Alderman Davis took it as. Because
21 we're doing hip hop. They, like a lot of other
22 people, they may know the difference between hip hop
23 and rap, and they know it well, and they have operated
24 an establishment that frankly sticks in the craw of a
25 certain element of a certain amount of people in the

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1 downtown area. People don't like hip hop.

2 You folks are on this committee. You know
3 as well as I do, if somebody opens up a hip hop
4 establishment, he's back before this committee because
5 of complaints from the neighbors who can't stand it.
6 And I don't even know if there's a connection, --
7 because I'm older than everybody on this committee, --
8 a connection between other types of music than what
9 started when I was much younger. If you will, I was
10 at one point younger, but I feel as though I was never
11 that young.

12 The reality is, though, he has cooperated
13 with the police department, he has cooperated with the
14 neighbors, he's done everything he can to make this
15 thing go. He's only open a couple of nights a week,
16 and I really think that this is an unfair charge
17 against this young man who has done his very best.

18 He's got a tremendous amount of money put
19 into that place as we testified. We opened up the
20 place, he's lived up to the promises that he made,
21 until there was a reason to change it. He's had the
22 cooperation of the Aldermanic District No. 4. He's
23 cooperated with them. He's had the cooperation from
24 the Milwaukee Police Department, no more, no less than
25 a lot of other establishments in the downtown area are

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1 getting on a frequent basis even beyond a Friday night
2 and a Saturday night. You know, in all due respect, I
3 think there's no reason to deny this license renewal
4 today. Thank you. And I won't take any more of your
5 time.

6 CHAIRMAN BOHL: Are there any last questions
7 by committee members? Otherwise we are in committee.
8 Is there a motion by committee members?

9 ALDERMAN WITKOWSKI: Mr. Chairman?

10 CHAIRMAN BOHL: Alderman Witkowski.

11 ALDERMAN WITKOWSKI: I would move to
12 deny this license based on neighborhood objections,
13 the loitering, littering, noisy patrons, conduct
14 detrimental to the health and safety of the
15 neighborhood.

16 CHAIRMAN BOHL: Okay. The motion before
17 us -- And Alderman, that would be based solely on
18 neighborhood objections and police reports?

19 ALDERMAN WITKOWSKI: Yes.

20 CHAIRMAN BOHL: Okay, based on neighborhood
21 objections and items in the police report, would be to
22 deny renewal of the application.

23 ALDERMAN DAVIS: Mr. Chairman?

24 CHAIRMAN BOHL: On the motion, Alderman
25 Davis.

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1 ALDERMAN DAVIS: I'd like to ask the
2 licensing division, has this establishment ever
3 been -- have we taken any action on this establishment
4 before, prior to me being on the council? Warning
5 letters or suspension?

6 MS. BARRON: It was first effective on
7 January 31, 2002, and last year, the renewal period,
8 they appeared before the committee and it was renewed.

9 CHAIRMAN BOHL: It was renewed.

10 MR. GUERIN: So there hasn't been anything.

11 ALDERMAN DAVIS: Mr. Chair, I understand the
12 situation that we're in. I had an establishment in my
13 district that was very troublesome, and what I found
14 out is that -- Alderman Gordon came to me and talked
15 to me about progressive discipline, and although I
16 didn't agree with him because I wanted to shut this
17 particular establishment down, I didn't want to
18 discourage any other participants who have a license
19 in this city to say that, you know, we're going to go
20 from one extreme to the other.

21 What I'm struggling with right now with
22 downtown is no different than what I'm finding out in
23 my district. I'm having a large cruising problem
24 along Fond du Lac Avenue and Capitol Drive, and what
25 I'm finding out is that that's changing, and when you

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1 may think it's coming from one establishment, it's
2 actually coming down from other areas, and they're
3 camping there, and they're causing havoc, and they're
4 not a part of that particular establishment, and I
5 found that out.

6 But I do understand that this particular
7 establishment needs to take some precautions and work
8 with the businesses in that area, there's no doubt
9 about it, because we cannot continue to have gunshots,
10 we cannot continue to have public safety concerns, and
11 even businesses who have invested millions of dollars
12 that I know are on Plankinton Avenue, I am not willing
13 to give that up as a representative of the city. So
14 somewhere along the way there's going to have to be
15 some compromise.

16 So I will be objecting to the denial of
17 this license, but I think there needs to be a strong
18 message sent to this particular establishment to
19 either clean up, or the next time you come here, then
20 we're going to use the ultimate decision that we have
21 to make.

22 CHAIRMAN BOHL: Thank you, Alderman.

23 ALDERMAN GORDON: Mr. Chairman.

24 CHAIRMAN BOHL: Alderman Gordon?

25 ALDERMAN GORDON: Thank you, Mr. Chairman.

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1 I too share the concerns raised by Alderman Davis
2 because it's clear that from the genesis of this
3 project, -- and this committee has heard, you know,
4 this matter several times even before we made a
5 decision to take affiance on Mr. Berg and his
6 establishment, -- it was predictable that this
7 activity that we now have before us was going to
8 happen.

9 And one of the things I recall vividly
10 making as a recommendation was for Mr. Berg to get
11 involved with the downtown association, and, you know,
12 we had several people testify, some who are here
13 today, regarding that kind of cooperation because
14 obviously it was going to be a risky venture, and
15 there was substantial discussion about the musical
16 format in prior hearings. And I agree with
17 Alderman Davis that, you know, we can't lump the
18 hip hop culture into comparisons with certain types
19 of rap music, but obviously the musical format has a
20 lot to do with bringing crowds into any kind of
21 establishment.

22 And as Alderman Davis indicated, you know,
23 we've had these issues with establishments around the
24 city. You know, once musical formats are changed,
25 people are attracted based on those formats and the

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1 type of music that's played, and I've been following
2 Pure in terms of some of the things that we had talked
3 about initially.

4 For example, there was serious discussion
5 given to having a restaurant/coffee shop format that
6 was initially advised for Pure when it first opened
7 up. I've not heard any discussion regarding that
8 situation, how it evolved, how it worked out. We've
9 not talked about it. That may be something that
10 needs to be revisited, but I can't, for the sake of
11 progressive discipline as Alderman Davis indicated,
12 go for a complete denial of this license because of
13 the investment that has been incurred by Mr. Berg,
14 and because of the downtown development that has
15 certainly reaped benefits for the entire City of
16 Milwaukee. But clearly there has to be discipline.

17 There has to be a message sent to you,
18 Mr. Berg, because it's very clear that the problems
19 that we talked about two years ago have now manifested
20 themselves, and I have a motion, you know, once we
21 deal with this motion that I think will help to
22 assuage some of the feelings of the residents and the
23 businesses on Wisconsin Avenue and put into proper
24 perspective what needs to be done regarding this
25 establishment.

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1 CHAIRMAN BOHL: Is there any other
2 discussion on the motion?

3 ALDERMAN WITKOWSKI: Mr. Chairman, just --

4 CHAIRMAN BOHL: Go ahead, Alderman
5 Witkowski.

6 ALDERMAN WITKOWSKI: I just want to indicate
7 that as we talked about the health of the city, the
8 health of the downtown area, I think you have to look
9 seriously at what one person said was probably the
10 most valuable real estate in the City of Milwaukee.

11 The night of the first shooting was also
12 the night of the opening of Mr. Gimbel's venture,
13 the -- not solely his venture, but the Milwaukee
14 Theater. The downtown area is what we're using to
15 draw people into the City of Milwaukee at night,
16 obviously. The type of behavior that was exhibited
17 here is certainly not something that we can draw
18 people into the city with, either to live or for the
19 entertainment, which is the reason for my motion.

20 CHAIRMAN BOHL: Okay. All right. The
21 motion -- I'll just say one thing with regard to
22 comments on progressive discipline. I, as a member of
23 this committee, do not espouse and do not believe in
24 progressive discipline. If there are problems at an
25 establishment, I think that there are some times when

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1 it's necessary to lop the head off.

2 In terms of the difficulty before us, I
3 think that there are certainly some very strong
4 concerns that we have before us. I know that there's
5 a great deal of investment. There are also property
6 rights vested in an establishment, and that reaches a
7 high threshold in terms of taking that away, and that
8 has to be cross-balanced. I think that the motion as
9 made maybe a tad bit excessive. I will hold out in
10 terms of hopes for a very, very severe suspension.
11 But we'll ask that we have a roll call vote on this.
12 Madam Clerk?

13 MS. ELMER: Alderman Davis?

14 ALDERMAN DAVIS: No.

15 MS. ELMER: Alderman Gordon?

16 ALDERMAN GORDON: No.

17 MS. ELMER: Alderman Dudzik?

18 ALDERMAN DUDZIK: No.

19 MS. ELMER: Alderman Witkowski?

20 ALDERMAN WITKOWSKI: Aye.

21 MS. ELMER: Mr. Chair?

22 CHAIRMAN BOHL: No.

23 MS. ELMER: Motion fails, one to four.

24 CHAIRMAN BOHL: Motion fails one-four. The
25 floor is open at this point. On the motion.

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ALDERMAN GORDON: Mr. Chairman.

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CHAIRMAN BOHL: Alderman Gordon.

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ALDERMAN GORDON: At this time I would move to renew this license with a 45-day suspension. I believe that a suspension is warranted, and a strong suspension is warranted given the assertions that have been made by the applicant in the past, given meetings that have been held over the last few months to try to rectify some of the problems that have taken place at the establishment, most recent problems involving the change in the musical format which brought more people into the establishment and into the downtown area, and, of course, the recent gunshot incidents that have taken place around or near the establishment.

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I think that some of the things that were discussed originally regarding this license have to be actualized. There has to be some change in format regarding some of the things that were discussed initially, like having the format for the restaurant/lounge kind of situation in the establishment, and I think that Mr. Berg has to exercise due diligence and to work with residents and with the downtown associations to bring that forward. That's going to take time, and I think that a suspension of this length will afford him the opportunity to do that and

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1 to assuage some of the feelings that have obviously
2 been felt by a number of the people that have
3 testified here today.

4 I certainly concur that the property
5 interests that he has in this establishment is
6 substantial. Several hundred thousand dollars has
7 been invested. It is a taxpaying element to the
8 downtown area, and with the proper change in format,
9 the management can be a good neighbor to the residents
10 and to the businesses that are currently on Wisconsin
11 Avenue, and that's why I think that a suspension is
12 warranted.

13 And I strongly would encourage you,
14 Mr. Berg, to heed the words of myself and the members
15 of this committee regarding the future of your
16 business because if it's going to operate in the City
17 of Milwaukee, it has to do so with a code of conduct
18 that people that live next to it and businesses that
19 work near it can respect. So that's my motion.

20 ALDERMAN DAVIS: Mr. Chair?

21 CHAIRMAN BOHL: Alderman Davis, let me just
22 reiterate the motion before us. And, Alderman Gordon,
23 I just want to clarify that this is being cited for
24 the following, because the motion before us was
25 neighborhood objections and police reports.

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1 ALDERMAN GORDON: Correct.

2 CHAIRMAN BOHL: Likewise, the motion before
3 us by Alderman Gordon is for renewal of the
4 application with a 45-day suspension due to items in
5 the police report as well as neighborhood objections.
6 Alderman Davis, on the motion..

7 ALDERMAN DAVIS: Mr. Chair, I cannot support
8 that motion. I think the disciplinary suspension
9 should be greater. There is something -- There's a
10 similar incident that occurred in the district that I
11 represent, and I brought it to this committee, and the
12 suspension was levied, and there are similar incidents
13 in this case, and I think the suspension should be
14 greater, so I would preface my comments in not
15 supporting that suspension, and hopefully -- and if
16 that motion fails, I'll make an additional motion.

17 CHAIRMAN BOHL: Okay. Maybe we'll get it
18 right. We'll see. Any other comments by committee
19 members on the motion? Otherwise, another roll call
20 vote, Madam Clerk.

21 MS. ELMER: Alderman Davis?

22 ALDERMAN DAVIS: No.

23 MS. ELMER: Alderman Gordon?

24 ALDERMAN GORDON: Aye.

25 MS. ELMER: Alderman Dudzik?

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1 ALDERMAN DUDZIK: Aye.
2 MS. ELMER: Alderman Witkowski?
3 ALDERMAN WITKOWSKI: No.
4 MS. ELMER: Mr. Chair?
5 CHAIRMAN BOHL: No.
6 MS. ELMER: Motion fails, two to three.
7 CHAIRMAN BOHL: Motion fails, two-three.
8 Alderman Davis?
9 ALDERMAN DAVIS: I make a motion, Mr. Chair,
10 for the renewal of this license with a 75-day
11 suspension.
12 CHAIRMAN BOHL: And, again, the reasons for
13 that would be cited as police reports --
14 ALDERMAN DAVIS: Correct.
15 CHAIRMAN BOHL: -- and neighborhood
16 objections.
17 ALDERMAN DAVIS: Correct.
18 CHAIRMAN BOHL: The motion by Alderman Davis
19 is for renewal of the application with a 75-day
20 suspension. On the motion? Madam Clerk, may we go
21 through a roll call vote.
22 MS. ELMER: Alderman Davis?
23 ALDERMAN DAVIS: Aye.
24 MS. ELMER: Alderman Gordon?
25 ALDERMAN GORDON: No.

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MS. ELMER: Alderman Dudzik?

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ALDERMAN DUDZIK: Aye.

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MS. ELMER: Alderman Witkowski?

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ALDERMAN WITKOWSKI: Aye.

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MS. ELMER: Mr. Chair?

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ALDERMAN BOHL: Aye.

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MS. ELMER: Motion prevails, four to one.

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CHAIRMAN BOHL: Mr. Schrimpf.

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MR. SCHRIMPF: The committee is going to be

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issuing Findings of Fact and Conclusions of Law

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recommending the renewal of your license with a 75-day

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suspension. You'll receive a copy of that report.

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You'll have an opportunity to submit written

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objections to that report as well as appear before the

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Common Council when it takes this matter up on January

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21st, 2004 at approximately 9 a.m. in the Common

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Council Chambers of this building. Any questions?

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MR. GUERIN: No questions. Thank you very

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much. Thank you, Mr. Chair and members of the

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committee.

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