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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the Amusement Machine Distributor
renewal application for:

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HEATH WASSERMAN
"DUFFY AMUSEMENTS"
2740 South 9th Place

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COMMITTEE MEMBERS

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ALD. JAMES BOHL - Chair
ALD. MILELE COGGS, - Vice-Chairman
ALD. ASHANTI HAMILTON
ALD. T. ANTHONY ZIELINSKI
ALD. NIK KOVAC

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LICENSING DIVISION by REBECCA GRILL
POLICE DEPARTMENT by SEARGENT CHET ULICKEY
OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in
the above-entitled matter, before the LICENSES
COMMITTEE OF THE CITY OF MILWAUKEE, on
the 3rd day of September, 2008.

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P R O C E E D I N G S

CHAIRMAN BOHL: Heath Wasserman,
Amusement Machine Distributor renewal application
for "Duffy Amusements" at 2740 South 9th Place.
Good afternoon. Thank you for your patience
here, and - - and my apologies, Mr. Cherella, not
my desire to keep you here any longer - -

MR. CHERELLA: No apology - -

CHAIRMAN BOHL: - - but then again,
it's not - - it would have been my desire to have
lunch at a normal time rather than push into our
afternoon agenda. We'll have to swear you in
here, and if you want to, Mr. Wasserman, grab
that microphone and pull it toward you, as well,
too, so we can get you on the record. We'll have
to swear you in, if you could raise your right
hand, please.

(Whereupon the applicant was sworn.)

THE APPLICANT: Yes.

CHAIRMAN BOHL: And I'll need from you,
name and address for the record, please.

THE APPLICANT: Heath Norman Wasserman.
Address currently is 711 - - my home or my
business?

CHAIRMAN BOHL: Whatever you want to

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1 provide here.

2 THE APPLICANT: 2740 South 9th Place.
3 That's Milwaukee, Wisconsin.

4 CHAIRMAN BOHL: And I'll ask you if you
5 acknowledge receiving notice of today's meeting
6 with the possibility the application may be
7 denied. There is an attached police report, as
8 well as a letter from the State of Wisconsin
9 Department of Corrections that were - - that were
10 part of this notice here then.

11 MR. CHERELLA: I have reviewed them.

12 CHAIRMAN BOHL: And - - And, Mr.
13 Cherella, do you want to just, for the sake of
14 our - - our records, again, identify yourself
15 here.

16 MR. CHERELLA: Sure. Christopher J.
17 Cherella. Last name, C-H-E-R-E-L-L-A, Attorney
18 at Law.

19 CHAIRMAN BOHL: Thank you. And we do
20 have that notice. Sergeant, if you want to
21 provide us with the police report, please?

22 SERGEANT ULICKEY: This, in fact, is
23 another convoluted case in regards to Mr.
24 Wasserman's address and the convictions that are
25 before you. Day before yesterday, or - - I take

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1 that back. It was last week that we received an
2 anonymous call that Mr. Wasserman was living
3 outside of the State of Wisconsin. Investigating
4 that, we contacted the probation agent that filed
5 the letter that you have before you. What, in
6 fact, happened here is Mr. Wasserman was charged
7 with felony possession of a firearm. That was
8 ultimately reopened and he was found not guilty
9 in appeal. So the bottom line is Mr. Wasserman
10 is no longer on probation, and he no longer has a
11 warrant for his arrest.

12 However, the - - Also in the
13 investigation we discovered a battery complaint
14 that was filed a short time ago in Gurnee,
15 Illinois, indicating that Mr. Wasserman had a
16 battery that occurred at his home, which is also
17 in Illinois. Now we do have several addresses
18 listed here. We have the address for the
19 business on South 9th Street. We have an
20 address, 2903 North 23rd. And we have a mailing
21 address of a Post Office box in Gurnee, Illinois.
22 So at this point we are unable to determine
23 exactly where Mr. Wasserman lives, and thought it
24 best that he advise the committee under oath.

25 The incident that I was referring to

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1 was a battery that occurred on the 28th of, I
2 believe, May. This report is very difficult to
3 read as it was faxed to us. Filed by the Village
4 of Gurnee. And - -

5 CHAIRMAN BOHL: Sergeant, I just - -
6 The only thing that I want to take into account
7 is whether or not Mr. Wasserman was adequately
8 noticed on this, and I'm going to guess that it
9 was not part of, at least it's not part of - - of
10 what we have here on our agenda. And if - - And
11 if it isn't, it's not something that we can bring
12 forward here at this time.

13 SERGEANT ULICKEY: As I - - As I
14 mentioned, that could be yes or no. It depends
15 on what Mr. Wasserman wants to do with this.

16 MR. CHERELLA: May I speak to that?

17 CHAIRMAN BOHL: Sure. Just to that
18 issue, first and foremost.

19 MR. CHERELLA: No, we were not given
20 notice, but I - - I have been piecing this case
21 together over the past couple of hours. I met
22 Mr. Wasserman in court. He was - - I met him
23 through another attorney. And I just got off the
24 telephone and received an - - an e-mail letter
25 from an Illinois attorney by the name of Jed, J-

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1 E-D, Stone, S-T-O-N-E, who works for Stone &
2 Associates, LLC, located at 415 West Washington
3 Street, Suite 107, Waukegan, Illinois 60085.

4 The case in Illinois was, as correctly
5 stated by the Sergeant, charged as a misdemeanor.
6 Ultimately, the case was dismissed in the State
7 of Illinois on August 19th, 2008. That's what I
8 can tell you about that case. Now, we weren't
9 given notice with regard to that, but the reality
10 is I have the information. I'm going to provide
11 it to you.

12 ALDERMAN ZIELINSKI: Mr. Chairman.

13 CHAIRMAN BOHL: Alderman Zielinski?

14 ALDERMAN ZIELINSKI: When the case was
15 dismissed, August 19th, what was his residence
16 listed? What residence did they list at the time
17 that - - that it was dropped on the 19th?

18 MR. CHERELLA: The infor - - As far as
19 what residence he had down in Illinois?

20 ALDERMAN ZIELINSKI: Right. Right.
21 What was it?

22 MR. CHERELLA: The address is, and this
23 is on a letter that I see dated August 26th, 2008
24 from Stone & Associates, 711 Creekside, and
25 that's one word, Circle, Gurnee, Illinois 60031.

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1 ALDERMAN ZIELINSKI: So I have a
2 question for Attorney Schrimpf. Given the fact
3 that we have a public document record where his
4 address is listed in - - in Illinois, does that -
5 - does that mean he automatically loses his
6 license, or - - or I just would like the attorney
7 to expound on that.

8 MR. SCHRIMPF: Well, number one, you
9 have a notice problem, because it hasn't been
10 noticed - -

11 ALDERMAN ZIELINSKI: Um-hnh.

12 MR. SCHRIMPF: - - to him that there's
13 an issue respecting his residency. Number two,
14 the fact that a law firm sends him a letter at an
15 Illinois address is hardly any proof that there
16 is a - - that he does not live in the State of
17 Wisconsin, although it's an indication that he
18 might not live in the State of Wisconsin.
19 Frankly, you need more evidence than you've got
20 right now to demonstrate where he lives.

21 MR. CHERELLA: And I'm not prepared
22 here today. I - - I'm just reading off a letter
23 that I - - I have in my possession from an
24 Illinois attorney. I'm not prepared here today
25 to - - to deal with residency issues.

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ALDERMAN ZIELINSKI: Well, Mr.

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Chairman, given the fact that we have a massive cloud over a number of important issues here, and also, given the fact that the applicant has applied late, I would - - would like to move to hold this matter over to get all this information here.

CHAIRMAN BOHL: I'm going to strongly suggest we don't do that, Alderman. And - - And what I will just tell you is that ultimately, this is a renewal. I believe that the committee has to take it up. Whether - - Whether he applied late or not, once he does, he is - - he is given due process that would actually hold him over. I will tell you this much, between now and the next - - the 16th, we have 13 days. We have the ability to ask the License Investigation Unit of the Milwaukee Police Department to do some additional background. And I will ask, as the Chairperson, that - - that they will provide evidence to the License Division if there is something that is questionable that this would need to go back to committee. That being said, short of that, it is - - it is not providing fair due process. Even with questions, if it is not

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1 properly noticed, it is not the fault of the
2 applicant to the fact that there was an error to
3 that effect. I believe that we, as a body, must
4 act legally on a renewal where there's a vested
5 property right. Mr. Schrimpf?

6 MR. SCHRIMPF: If you're asking me if I
7 disagree, no, I don't disagree.

8 CHAIRMAN BOHL: Okay. I'll leave it to
9 the discretion - - your discretion to make that
10 motion. I'm going to vehemently oppose it.

11 MR. CHERELLA: My understanding in
12 being here today was we were only here to deal
13 with the issue as to whether or not this
14 gentleman had a warrant out for his arrest.

15 CHAIRMAN BOHL: Very likely, yes. What
16 I - - What I will say - -

17 MR. CHERELLA: I assume that no longer
18 exists.

19 CHAIRMAN BOHL: What - - What I will
20 say is this much. I'm not certain, and I'm going
21 to guess, and it's - - I don't want to prolong
22 this meeting any longer. You may need a - - an
23 agent that is a resident of the City or the State
24 of Wisconsin if - - if Mr. Wasserman is, indeed,
25 not. He can continue to be part of the

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1 ownership.

2 MR. CHERELLA: I'm not suggesting that
3 he is not, and I'm not here to say that.

4 CHAIRMAN BOHL: Okay. And - - And I'm
5 not - - And what I'm going to say is, is the
6 burden is on you to understand, find that out,
7 and if you need to rectify it, rectify it. Okay?
8 That's what I'm going to say here.

9 MR. CHERELLA: I understand.

10 CHAIRMAN BOHL: At this point to
11 prevent future delay. Because you don't have to,
12 in order to have a corporation, or you don't have
13 to be a Wisconsin resident. What you do need to
14 have is a - - is a registered agent who is. So
15 that, I think, can be rectified. And I don't
16 want to delay this any further and have us bring
17 something else up, causing any undue delays in
18 the due process. But that would have to be
19 rectified here. Ms. Grill?

20 MS. GRILL: He's licensed as an
21 individual, meaning that he has to decide - -

22 CHAIRMAN BOHL: He'd have to establish
23 a corporation.

24 MS. GRILL: Well, he'd have to apply as
25 a new applicant if he wants to establish a

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1 corporation. But on the application that he
2 filed with our office, states that his - - his
3 home address is on North 23rd Street in
4 Milwaukee.

5 CHAIRMAN BOHL: Yeah. And, well, what
6 I will just say this much is, the - - It's - -
7 It's a burden of law enforcement and the police
8 background investigation to determine if that is,
9 indeed, not the case. I don't know that it's - -
10 it's necessarily our burden here to do fact
11 finding here at the committee, and that's just -
12 - It - - It is what it is, and he is also not
13 noticed on that. So I'm going to - - I'm going
14 to rule that that is not - - that's a moot point.
15 If we're not adequately noticed, we're not taking
16 it up. And what I'll say is, is - - is if
17 something determines otherwise, I will consider
18 sending this matter, referring the matter back to
19 committee, and I'm going to ask the License
20 Investigation Unit, Sergeant, if you could
21 provide for that, never the least, doing some
22 additional background on it for me.

23 SERGEANT ULICKEY: I would be happy to
24 do that.

25 CHAIRMAN BOHL: Thank you.

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1 SERGEANT ULICKEY: Just for the record,
2 Mr. Chair, I am familiar with those rules. This
3 just came to our attention, and I would feel
4 remiss in my duties if I didn't mention it to the
5 committee.

6 CHAIRMAN BOHL: Okay. I - - I
7 appreciate that, and I know you guys - - you guys
8 do your job well, so - -

9 ALDERMAN ZIELINSKI: Mr. Chairman. I
10 want to - -

11 CHAIRMAN BOHL: Alderman Zielinski.

12 ALDERMAN ZIELINSKI: I want to clear
13 one thing up. His - - Mr. Wasserman's attorney
14 indicated that he was under the very strong
15 impression that he was not here today for a
16 renewal of the license. I want to get this
17 cleared up with - - with Ms. Grill here.

18 MR. CHERELLA: I don't think I said
19 that.

20 ALDERMAN ZIELINSKI: What did you say?

21 MR. CHERELLA: I said we were here only
22 dealing with whether or not he was - - there was
23 a warrant out for his arrest.

24 ALDERMAN ZIELINSKI: Okay.

25 CHAIRMAN BOHL: That is what he said.

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1 ALDERMAN ZIELINSKI: Okay. Exactly. I
2 agree. Okay. So - -

3 MS. GRILL: The first thing that I've
4 heard about this residency information is when
5 Sergeant Ulickey just mentioned it. If I would
6 have known about it before, it would have been
7 listed in the notice. But when someone puts
8 their address in Milwaukee on their sworn
9 application, we would assume that they're telling
10 the truth regarding where their residency is.

11 MR. CHERELLA: I concur. I was asked a
12 question by Alderman Zielinski, as to what
13 address was utilized down in - - down in
14 Illinois, what address he used. And I provided
15 that as an officer of the court, and as I - - I
16 believed that I should. I'm not here to deal
17 with residency issues, nor do I want to deal with
18 residency issues. I'm just trying - - trying to
19 answer your question.

20 ALDERMAN ZIELINSKI: Okay. So I - - I
21 want to ask Ms. Grill. Is the reason why we're
22 here today because this - - this license has
23 already expired and it needs to be renewed, or is
24 it here because of the outstanding warrant - - or
25 the alleged outstanding warrant?

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1 MS. GRILL: It was here for both of
2 those reasons.
3 ALDERMAN ZIELINSKI: Okay. For both of
4 those - -
5 MS. GRILL: And now there's another
6 reason.
7 ALDERMAN ZIELINSKI: And what's that?
8 MS. GRILL: Regarding the residency.
9 But because we didn't know about that before
10 today, we were unable to provide that notice.
11 ALDERMAN ZIELINSKI: Okay.
12 CHAIRMAN BOHL: And, Alderman, let me
13 just say this much. I'm going to ask that we not
14 dwell on the - - the residency at this point,
15 because it's not part of the decision-making
16 issue. It can't be. It can't be on the notice.
17 That's why I've made the request of the Sergeant,
18 and also, the potential is Mr. Wasserman, if he
19 is incorrect in what he submitted under oath in
20 his application, because he is put under oath if
21 that is truthful, could get a citation for - -
22 for not having truth in statements. Correct?
23 There you go. So don't dwell on it. That's the
24 rule of the Chair. Don't dwell.
25 ALDERMAN ZIELINSKI: I'll ask just one

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1 - - one last question. Is the penalty for - -
2 for not being truthful in your application a
3 citation or is it the loss of the license?
4 MR. SCHRIMPF: It's both. You can - -
5 ALDERMAN ZIELINSKI: Both.
6 MR. SCHRIMPF: You can get a citation
7 for it. You can also have a complaint seeking
8 revocation of the license filed for the - - in
9 - - for the incorrect information.
10 CHAIRMAN BOHL: But it has to be
11 noticed for that.
12 MR. SCHRIMPF: It has to be noticed.
13 CHAIRMAN BOHL: Which it's not.
14 ALDERMAN ZIELINSKI: Okay.
15 CHAIRMAN BOHL: That's - -
16 MR. CHERELLA: And I want to be clear
17 here today, we're - - Number one, we're not - - I
18 didn't anticipate dealing with residency issues,
19 nor are we conceding in any way, shape or form
20 that he is not a resident, and that he doesn't
21 have a residency.
22 CHAIRMAN BOHL: And I acknowledge that.
23 I'm just saying, I've asked for it to be
24 investigated here. And - - And there is the
25 potential referring it back to committee if we

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1 get more evidence. At this point, I'm going to
2 have - -

3 ALDERMAN ZIELINSKI: I have one last
4 question.

5 CHAIRMAN BOHL: Go ahead, Alderman.

6 ALDERMAN ZIELINSKI: I would like to
7 know what is your residence right now?

8 THE APPLICANT: Are you asking me,
9 Alderman Zielinski?

10 ALDERMAN ZIELINSKI: Yes, Mr.
11 Wasserman, what is your address right now?

12 MR. CHERELLA: Don't answer that
13 question.

14 THE APPLICANT: I - -

15 MR. CHERELLA: Excuse me for one
16 second. I'm going to advise him not to answer
17 that question. We're not here to deal with that
18 issue. That issue is not relevant to the
19 decision that this committee needs to make here
20 today.

21 MR. SCHRIMPF: Well, wait a minute, Mr.
22 Chairman. You can - - You can refuse to answer a
23 question in a criminal proceeding. This is not a
24 criminal proceeding.

25 MR. CHERELLA: He gave his residence

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1 previously, I believe.

2 ALDERMAN ZIELINSKI: Well, I'm asking.
3 I don't remember what it is.

4 CHAIRMAN BOHL: I'd ask - - I'll ask
5 that you just respond to the question here.

6 THE APPLICANT: Of course. 2903 North
7 23rd Street.

8 ALDERMAN ZIELINSKI: 2903 North 23rd
9 Street. Okay. Thank you very much.

10 CHAIRMAN BOHL: And he's under oath,
11 so, again, that's - - that is what it is.

12 ALDERMAN ZIELINSKI: Well, I just want
13 to get one clarification from Attorney Schrimpf
14 here. Even though his renewal is late, he
15 doesn't have a license right now. If I move - -

16 MR. SCHRIMPF: That, I don't know that.

17 ALDERMAN ZIELINSKI: Well, let's ask
18 Ms. Grill.

19 MR. SCHRIMPF: That is true?

20 MS. GRILL: That is correct. He didn't
21 file un - - He didn't file his renewal until
22 after the license had already expired.

23 MR. SCHRIMPF: Okay.

24 ALDERMAN ZIELINSKI: So given the fact
25 that the license has already expired, would we -

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1 - would my motion to hold in committee be
2 problematic from a legal standpoint, given the
3 fact he is already allowed his renewal to lapse?

4 MR. SCHRIMPF: No, I don't see that it
5 would be a problem.

6 ALDERMAN ZIELINSKI: Okay. Then that's
7 my motion, is to hold in committee to clear all
8 this stuff up.

9 CHAIRMAN BOHL: Okay. And but I will
10 just - - I'll tell you my opinion on that. My
11 opinion on that is whether somebody applies late,
12 there - - there's a statutory one year. They
13 have one year to apply late, and they are still
14 considered a renewal. When they apply and are a
15 renewal, whether they apply late or not, when
16 they appear before the committee, I believe it is
17 the committee and this Council's - - this
18 Council's responsibility to act on it in a timely
19 basis, based on the notice in which the
20 individual was provided, because they have a due
21 process license.

22 ALDERMAN ZIELINSKI: And that's what we
23 received here before - -

24 CHAIRMAN BOHL: No, no, no. This is
25 - - This is my commentary, not yours. So I do

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1 have a problem with that. I - - I think that
2 ultimately if - - if we err on our part, if - -
3 if a business gives you too much change on their
4 part, and you don't pay attention, you walk away,
5 that's on the business. That's just tough. That
6 just happens. And there are things that we gain
7 here, and we have the potential - - the
8 potentiality to turn back, if there's something
9 - - some additional investigation. I do believe
10 that it is wrong for us not to proceed, based on
11 the notice they were provided, because they have
12 a vested property right. That is just my
13 opinion. Legally, Mr. Schrimpf may skirt the
14 line in saying, you know, they can take us to
15 court and whatever else. I still think we have
16 an obligation. I say this much. When we take
17 office at the beginning of the term we swear to
18 uphold the Constitution of the United States. We
19 swear to uphold the Constitution of the State of
20 Wisconsin. The State of Wisconsin has State
21 Statutes that are in place, and the State
22 Statutes tell us certain things to do. I'm
23 telling you my opinion. With that, the motion
24 before - - before us here - -

25 ALDERMAN KOVAC: Mr. Chair.

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1 CHAIRMAN BOHL: - - by Alderman
2 Zielinski is to hold this matter at the Call of
3 the Chair. Discussion on that motion, Alderman
4 Kovac.

5 ALDERMAN KOVAC: Yeah, Mr. Chair, I'd
6 just like to ask Mr. Schrimpf about the lack of
7 notice and whether - - when we're considering
8 whether to hold this or approve it, can we
9 consider these issues that just emerged today?

10 MR. SCHRIMPF: Well, you've got the
11 overriding issue, the fact that the - - the
12 residency was not noticed. So you've got a
13 couple of ways you could proceed, quite frankly.
14 You could hold it, if that's the will of the
15 committee. If it's the will of the committee not
16 to hold it, you could go ahead and grant the
17 license, and then what happens is that if you
18 find out, as Alderman Bohl is concerned about,
19 that this individual is not, in fact, a resident
20 of the State of Wisconsin, then you bring it back
21 on a complaint for revocation.

22 CHAIRMAN BOHL: No, I'm saying - -
23 suggesting that we could have information of
24 this, an investigation completed by two weeks
25 from today when we have the next committee

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1 meeting - -

2 MR. SCHRIMPF: You could do that - -

3 CHAIRMAN BOHL: - - and we could refer
4 it back to committee at the Common Council
5 meeting, or at the special meeting.

6 MR. SCHRIMPF: You could do it that
7 way, too. That would work, as well.

8 CHAIRMAN BOHL: I'm - - I'm just
9 suggesting that at least this way we have - - we
10 have proceeded with a renewal on a timely basis,
11 pending an investigation that may determine
12 otherwise. If - - If it is determined, and
13 there's a possibility that Mr. Wasserman, who is
14 under oath here, is correct about having a 23rd
15 Street address, why should we continue to hold
16 his license, and I understand that he applies
17 late. Legally under law, we are to expedite this
18 process, and there is not adequate notice to
19 address that. Now there are questions. But I
20 think that our holding on to it, pending an
21 investigation, is problematic when we should have
22 that information within the next two weeks,
23 hopefully.

24 ALDERWOMAN COGGS: Mr. Chair.

25 CHAIRMAN BOHL: Alderwoman Coggs.

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1 ALDERWOMAN COGGS: Given that the
2 application date was actually at the end of July,
3 and that we were in recess for the month of
4 August, and that this is our first meeting as of
5 September, I think that the argument about how
6 long we're holding this out is a little bit
7 reaching. So I'm of the mind to support the
8 hold.

9 CHAIRMAN BOHL: Well, and I appreciate
10 that, and - - and in a democracy it's - - it's
11 majority rule, and well, majority is wrong. And
12 I'm sorry to tell you that. I'm getting - - I'm
13 giving you advice from eight and a half years of
14 experience, and also, a firm knowledge of Chapter
15 90.

16 MR. SCHRIMPF: Well, Mr. Chairman, this
17 isn't a Chapter 90 case.

18 CHAIRMAN BOHL: Well, then 125. But
19 I'm just saying - -

20 MR. SCHRIMPF: It's - - This is - -
21 This is an amusement machine license.

22 CHAIRMAN BOHL: All right. Mister - -
23 Mr. Schrimpf, ultimately we follow the same
24 procedures in terms of due process that come
25 under - - We've - - We've actually taken all of

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1 our licenses and followed the same procedure as
2 in Chapter 90.

3 MR. SCHRIMPF: Correct. That's now in
4 Chapter 85.

5 CHAIRMAN BOHL: But that being said,
6 this committee - - There are times where this
7 committee has moved to make a 90 day suspension
8 based on something that shouldn't receive any
9 suspension at all. Because we're wrong doesn't
10 - - doesn't mean anything else. I'm just telling
11 you - -

12 ALDERMAN ZIELINSKI: Mister
13 Chairman - -

14 CHAIRMAN BOHL: No, hold on. When the
15 Chairman is talking, I'm going to ask that you
16 hold, Alderman Zielinski. As I said, you can
17 make a motion for anything else, and we can delay
18 punch it as much as you want. We've already
19 delayed the morning meeting too darn long,
20 period. Too darn long. That being said, I don't
21 like, and I'm not going to sit silent. I don't
22 care if somebody has - - has applied late. There
23 is a - - There is a procedural process, and if
24 somebody is new to this committee and doesn't
25 understand that, I'm - - I'm not, after eight and

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1 a half years experience versus six months
2 experience, I'd like to - -
3 ALDERMAN ZIELINSKI: Well - -
4 CHAIRMAN BOHL: No - -
5 ALDERMAN ZIELINSKI: I challenge the
6 ruling of the Chair that I can't be heard. I
7 heard about your kids, and your whole family, and
8 everything else, and I want to ask a question - -
9 CHAIRMAN BOHL: We are in recess.
10 (Whereupon a recess was taken.)
11 (ALDERWOMAN COGGS is excused.)
12 CHAIRMAN BOHL: This is a resumption of
13 the Licences Committee hearing. We have a motion
14 before us, and that motion by Alderman Zielinski
15 is to hold this matter at the Call of the Chair.
16 Are there any objections beside mine?
17 ALDERMAN HAMILTON: Object.
18 CHAIRMAN BOHL: Okay. Hearing that
19 motion - - Hearing one other objection, the
20 motion fails on a two - two vote. Are there any
21 other motions?
22 (ALDERWOMAN COGGS is present.)
23 ALDERMAN HAMILTON: Move approval.
24 CHAIRMAN BOHL: Do you want to do it
25 with a contingency, Alderman?

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1 ALDERMAN HAMILTON: With the - - With
2 the contingency that the investigation proves
3 positive with his residency verification.

4 CHAIRMAN BOHL: Prior to the Common
5 Council meeting, September 16th?

6 ALDERMAN HAMILTON: Prior to the Common
7 Council meeting, the next Common Council meeting.

8 CHAIRMAN BOHL: Thank you. Motion by
9 Alderman Hamilton is to recommend approval of the
10 renewal of the license - -

11 ALDERMAN ZIELINSKI: Object.

12 CHAIRMAN BOHL: Okay. Hold on one
13 second.

14 ALDERMAN ZIELINSKI: Object.

15 CHAIRMAN BOHL: Members, the way it
16 works is the Chairman actually reads - - or
17 states the motion first. Okay. The motion by
18 Alderman Hamilton is - - is to approve the
19 renewal of the - - the issuance of the license
20 with the caveat that there be an investigation be
21 completed satisfactorily prior to the next Common
22 Council meeting on September 16th. Are there any
23 objections to that motion?

24 ALDERWOMAN COGGS: Objection.

25 ALDERMAN ZIELINSKI: Object.

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1 CHAIRMAN BOHL: Your objection?

2 ALDERMAN KOVAC: Object.

3 CHAIRMAN BOHL: Okay. Hearing that
4 three - - three members oppose, object, the
5 motion fails on a two - three vote. Alderman
6 Zielinski, you want to remake your motion here at
7 this time?

8 ALDERMAN ZIELINSKI: Yes. I'll move to
9 hold at the Call of the Chair.

10 CHAIRMAN BOHL: Okay. Motion by
11 Alderman Zielinski is to hold this matter at the
12 Call of the Chair. Are there any objections to
13 that motion? Hearing my own, the motion carries
14 on a four to one vote. I would still ask for an
15 expeditious investigation, Sergeant. And,
16 Sergeant, if you could also let the License
17 Investigation Unit, as well as if you could
18 report that back to myself, I'd appreciate that
19 here, okay.

20 MR. CHERELLA: I'd request a hearing
21 within a week or two?

22 CHAIRMAN BOHL: You know, what I'll - -
23 what I'll tell you at this point is depending on
24 how quickly we can get confirmation of that,
25 there - - there is the possibility that we could

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1 bring this for the - - a special committee
2 meeting on the 16th, depending on what action the
3 Council may take, or the committee may take, you
4 may have a due process problem here, there's a
5 sanction that's provided to the license. But as
6 long as we - - as long as you cooperate with the
7 License Investigation Unit and we get a timely
8 response on that, we'll be happy to - - to
9 consider that for the 16th, as long as I have
10 adequate notice time or you're willing to waive
11 that notice time.

12 MR. CHERELLA: Just so I understand
13 what - - what the - -

14 CHAIRMAN BOHL: We're going to - -
15 We're going to - - What I'm going to do here.
16 I'll be happy to chat with you. I'm going to
17 allow our members to - - to go have their lunch,
18 because we have an afternoon session. I think
19 you and I can handle this one-on-one here, okay.
20 With that, we'll be in recess here for - - for 20
21 minutes here, okay.

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3 STATE OF WISCONSIN)

4)

5 MILWAUKEE COUNTY)

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8 I, JEAN M. BARINA, of Milwaukee Reporters

9 Associated, Inc., 5124 West Blue Mound Road,

10 Milwaukee, Wisconsin 53208, certify that the foregoing

11 proceedings is a full and complete transcript of the

12 hearing for "DUFFY AMUSEMENTS" taken at the Licenses

13 Hearing for the City of Milwaukee.

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JEAN M. BARINA

19

Court Reporter

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22 Dated this day of September, 2008.

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