



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Meeting Minutes - Final ALCOHOL BEVERAGE LICENSING TASK FORCE

*JUSTICE LOUIS BUTLER, CHAIR*

*Joel Brennan, Sallie Ferguson, Rebecca Grill, Edward J. Lump, Comptroller Wally Morics,  
Sharon Nowak, Bruce Schrimpf, Chet Ulickey*

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Friday, January 23, 2009

9:00 AM

Room 301-B, City Hall

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*Meeting commenced at 9:14 a.m.*

**Present** 7 - Schrimpf, Grill, Ulickey, Butler, Ferguson, Lump and Nowak

**Excused** 2 - Morics and Brennan

**1) Review and approval of the minutes of the November 21 and December 11, 2008 meetings.**

*The minutes were approved as written.*

*W. Martin Morics at the table at 9:29 a.m.*

**Present** 8 - Morics, Schrimpf, Grill, Ulickey, Butler, Ferguson, Lump and Nowak

**Excused** 1 - Brennan

**2) Discussion of the comments and suggestions received at the December 11, 2008 public hearing.**

*Mr. Butler said that an extension had been granted by the Common Council for the task force. The task force's duties will now end March 31st, 2009.*

*Mr. Butler said that he would like that any recommendations from task force members be submitted in writing before the next task force meeting. He also said that a public hearing would be needed to allow the public to respond to any preliminary recommendations, and then final recommendations would be submitted by the task force to the Common Council.*

*Ms. Grill asked about what exactly the public should be able to address at the public hearing since members of the public have already had an opportunity to raise concerns.*

*Mr. Lump agreed that the public should be restricted to the recommendations made and not be able to speak on topics already addressed at the previous public hearing.*

*Mr. Schrimpf said that the public should be asked to present recommendations in writing before the public hearing so the task force members can review them and ask questions at the hearing.*

*Mr. Lump brought up the matter of the distance away from the establishment that neighbors are noticed when an application is scheduled to appear at the Licenses Committee.*

*Mr. Schrimpf pointed out that Licenses Committee meetings are open to the public, so anyone can attend regardless of receiving a notice. He also said that the committee tends to put more weight on the testimony of people who live close to the establishment and that the committee asks people testifying at meetings where they live and how close their addresses are in proximity to the establishment.*

*Mr. Butler said that there had been discussion of the fact that there are no clear guidelines involved when notifying neighbors of an application appearing at committee. Mr. Lump asked if the task force should be looking at the process of how neighbors are notified when making recommendations for changes.*

*Ms. Grill said that the task force should be looking into the discretion of the council members when it comes to the notification of neighbors.*

*Mr. Butler asked if the amount of neighbors that are noticed has any bearing on how many people appear at a Licenses meeting or if it depends more on the nature of the establishment. Ms. Grill said that it generally depends on the nature of the establishment.*

*Mr. Schrimpf said that comment cards from neighbors in lieu of an appearance at committee are not accepted because those comments would be hearsay. Mr. Schrimpf did point out that police reports are hearsay, but the documented actions of the police are made in the course of government business, so the police reports are allowed.*

*Sgt. Ulickey said that there is a direct correlation between how many people show up at committee and the amount of "legwork" that everyone involved, including the council member and the licensee, are willing to do with regards to the application.*

*Sgt. Ulickey also said that the PA33 is not a manufactured or fictitious document but is based on police response and that the committee members know that PA33s are not all inclusive with regards to police incidents.*

*Ms. Ferguson asked what "PA33" stands for exactly. Sgt. Ulickey said that "PA33" is just a form number and the name doesn't actually stand for anything.*

*Ms. Ferguson also asked Sgt. Ulickey what goes into the original report on which the PA33 is based. Sgt. Ulickey said what goes into the original police report is generally just the facts, but he also said that actions and incidents are open to the interpretation of the officer.*

*Ms. Grill pointed out that the PA33 is used by the License Division and the local council member to determine whether an application is even scheduled in the first place. She said that the police department should object to a license based on the police report instead of the local council member objecting based on the report.*

*Sgt. Ulickey said that time constraints for legal notice of applicants can sometimes restrict whether a police report can be addressed in its entirety. In other words, if an incident at a location occurs after the applicant has been noticed regarding a hearing, and the report of the incident at the applicant's establishment was not made part of the*

*notice, the incident cannot be addressed at committee.*

*Mr. Morics asked how often the local council member appears at the Licenses Committee to testify in support or in opposition to a new license application.*

*Ms. Grill said that most of the time, the local council member will show up if he or she is in opposition. She also said that if neighbors in an area are active, the council member will show up in support of those neighbors.*

*Mr. Butler asked Ms. Nowak if the Tavern League has a position on the PA33s. Ms. Nowak said that it does not see a problem with them.*

*Mr. Schrimpf said that licensees should make public records requests for PA33s after incidents occur at their establishments so they can see the entire police report and know what may be presented at the Licenses Committee.*

*Mr. Lump asked if the police can request that an item be held. Sgt. Ulickey said that the police have requested the rescheduling of an application. He also said that applicants and licensees are encouraged to call the License Investigation Unit to ask questions and to point out errors on the police reports they receive when they are noticed to appear at the Licenses Committee.*

*Ms. Ferguson asked Sgt. Ulickey if the police are allowed to check patrons when they come in for a tavern check. Sgt. Ulickey said that the police do not do tavern checks to check out patrons, but if the police have probable cause to check out a patron, such as a patron acting suspiciously, they will.*

*Ms. Grill said that for renewals, if there is nothing on the police report and no neighborhood objections, the applications do not go to the Licenses Committee. She said that the local council member has probably made up his or her mind before the committee meeting based on the police report and is going to advocate for the citizens in his or her district at the meeting.*

*Ms. Grill also said that the local council member is not allowed to submit comment cards (cards sent to neighbors soliciting input on issues) that he or she has received back from neighbors at committee. The council member can say that he or she received comment cards with certain results, but comment cards cannot be used as evidence at the committee.*

*Mr. Schrimpf said that he encourages council members to notify licensees that the council member has received complaints from neighbors. He also said that he does not approve of the local council member making recommendations to the committee, such as asking for a recommendation, such as, "renewal with a ten day suspension".*

*Mr. Butler said that the concern about whether the input of neighborhood organizations is being heard adequately was raised at the previous public hearing.*

*Sgt. Ulickey said that there is a desire for the police department to object to licenses, but that the police department does not want to routinely object to licenses because the opposite of an objection is an approval, which is inappropriate for the police department to make.*

*Mr. Lump addressed the concern brought up at the public hearing regarding applicants opening up establishments under false pretenses. Mr. Schrimpf said that the requirement of a licensee to file a plan of operation with his or her application requires*

*the applicant to clarify what kind of business he or she plans on running. He also said that the committee is somewhat sensitive to the fact that a small-business owner might need time to get the kind of business that he or she planned going, such as a restaurant, so the establishment might not be exactly what the applicant planned right away.*

*Meeting recessed at 10:20 a.m.*

*Meeting reconvened at 10:32 a.m.*

**Present** 7 - Schrimpf, Grill, Ulickey, Butler, Ferguson, Lump and Nowak

**Excused** 2 - Morics and Brennan

**3) Discussion of the written comments and suggestions received by the Task Force.**

*The task force members discussed the written comments from Bob Greene of the Merrill Park Association.*

*Mr. Butler said that the suggestion by Mr. Greene regarding restricting the percentage of profits from sales of alcohol is out of the purview of the task force.*

*Mr. Schrimpf said that some people would like CAD reports to be used in front of the committee, including council members and licensees (CAD stands for Computer Assisted Dispatching, which tracks what occurs during a police call. It is generated by the person calling it in and the alarm telecommunicator writing the details down.). During a police call, a telecommunications person is putting what the officer is telling him or her into the computer, which is put in a CAD report. Mr. Schrimpf said that the CAD report is a police report but not an investigative report and that he actively discourages the use of CAD reports because of problems with them. He said that they are only an entrance into the police system that can lead to a report that the committee can use.*

*Ms. Grill said that with a new applicant, the previous police report of a location is not typically used. However, there are times when the premise report, or report of previous problems at a location, can be presented at the Licenses Committee. The premise report provides details on the fitness of a location as an alcohol beverage establishment.*

*Sgt. Ulickey said that the fact that a location even has a premise report shows that the location has been a problem.*

*Ms. Grill said that there should be consistency with regards to when the premise report is and is not used. Sgt. Ulickey said that it is good information to have, and Ms. Grill says that it should be put into the record for access to all parties involved in the application process.*

*Mr. Greene wrote about the role of the Health Department in licensing. Ms. Grill said that an applicant does not have to go through the health department for approval until he or she already has the license.*

*The task force discussed the comments of Mike Eitel of Diablos Rojos Restaurant Group. Mr. Butler said that some recommendations detailed in the letter deal more with the decorum of the committee members than the committee's process.*

*Mr. Eitel wrote that the current process for notifying applicants of committee appearances is unfair and that the licensing process is vague as to what an applicant*

*needs to do when applying for an alcohol beverage license. He also wrote that the notices for committee are too broadly written.*

*Ms. Ferguson said that she agrees with the complaints about the decorum of the committee members at the meetings. She said that the conduct of the members, such as whispering and laughing at the table, is inappropriate at times.*

*Ms. Nowak asked if there is discussion about applications among committee members previous to Licenses Committee meetings. Mr. Schrimpf said that that type of discussion is not allowed under the open meetings law. Ms. Grill said that the committee members receive documents and the schedule of license matters before the meeting so they can review them, but they are not supposed to discuss the matters with each other before the committee meeting.*

*Mr. Schrimpf pointed out that the committee makes recommendations in disagreement with the recommendations of the local council members. He said that he does not believe that the influence of the local council member on the committee is a problem.*

**4) Set-up of the next meeting's agenda.**

*The next meeting will deal with a review of the written comments and recommendations of the task force members. The written comments will be due by February 4th and will be sent to all task force members for review before the next task force meeting.*

**5) Scheduling of the next meeting (time and date).**

*The task force scheduled the next two task force meetings for February 9th at 10:00 a.m. and February 23rd at 10:00 a.m.*

*There will also be another public hearing, which will be scheduled at the next task force meeting.*

*Meeting adjourned at 11:08 a.m.*

*Staff Assistant Tobie Black*