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2 CITY OF MILWAUKEE
3 LICENSES COMMITTEE
4 * * * * *
5 In the Matter of Food Dealer Retail
6 application for "Diamond Joe's"
7 "DIAMOND JOE'S"
8 CARRIE BATTON
9 9114 W. Silver Spring Drive
10 * * * * *
11 COMMITTEE MEMBERS
12 ALD. JAMES BOHL - Chair
13 ALD. MILELE COGGS - Vice Chair
14 ALD. T. ANTHONY ZIELINSKI
15 ALD. ASHANTI HAMILTON
16 ALD. NIK KOVAC
17
18 LICENSING DIVISION by REBECCA GRILL
19 POLICE DEPARTMENT by OFFICER TABIADON
20 OFFICE OF THE CITY ATTORNEY by ATTORNEY ADAM STEPHENS
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22 Proceedings had and testimony given in
23 the above-entitled matter, before the LICENSES
24 COMMITTEE OF THE CITY OF MILWAUKEE, on the 11th day
of October, 2011.

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1 of candy bars, whatever else kind of - -
2 ALDERMAN DAVIS: Right.
3 CHAIRMAN BOHL: - - packaged items
4 then. Is that correct?
5 THE APPLICANT: Yes, sir. Actually - -
6 CHAIRMAN BOHL: First off, we can't
7 take any of your testimony until both of you are
8 sworn in. So if you would raise your hands
9 first, please.
10 (Whereupon those present were sworn.)
11 CHAIRMAN BOHL: First and foremost
12 because she is actually on our agenda first,
13 we're going to take her matter up first here. If
14 you could provide us, please, your name and
15 address for the record, please.
16 THE APPLICANT: Do you want the mailing
17 address or my home address?
18 CHAIRMAN BOHL: Whatever you want to
19 use as a mailing address.
20 THE APPLICANT: Carrie Batton. Mailing
21 address is PO Box 250389, zipcode 53225.
22 CHAIRMAN BOHL: Because we may elicit
23 some of your testimony, sir, if you could provide
24 us your name and address for the record, please,
25 as well.

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1 P R O C E E D I N G S
2 CHAIRMAN BOHL: Carrie Batton, Food
3 Dealer Retail Application for "Diamond Joe's at
4 9114 West Silver Spring Drive. Are you
5 withdrawing an application or are you the
6 applicant? We have two in a row here. One for
7 Sajan Murtaza - - Murtaza? Which of you is
8 actually applying? Are you both applying? You
9 can't both - -
10 ALDERMAN DAVIS: Mr. Chairman.
11 ALDERMAN BOHL: Alderman Davis.
12 ALDERMAN DAVIS: If I can clarify.
13 Mrs. Batton and her husband is actually applying
14 for a food dealer's license inside of the
15 establishment, and then for the - - for the food
16 dealer's license for the - - the license premises
17 itself. The owner of the station is Mr. Murtaza.
18 So what's going to happen is there's going to be
19 a restaurant that is going to be inside of the -
20 - the gas station that's going to sell hot meals,
21 and that's what Mrs. Batton is here for, along
22 with the application to apply for a cart outside.
23 CHAIRMAN BOHL: And then he would
24 actually be - - She'd be applying for the sale of
25 food. He would be applying for the retail sales

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1 MR. KUMAR: My name is Chatin Kumar,
2 5330 North Lovers Lane Road, Milwaukee, Wisconsin
3 53225. I'm here for Murtaza - - Murtaza Sajan.
4 He is - - He is at a funeral. So I - -
5 ALDERMAN BOHL: Unfortunately, we will
6 not be able to take that licensed matter up. It
7 is not listed as a corporation. If it were a
8 corporation or an LLC, a Limited Liability
9 Corporation, an individual may be able to be
10 represented by an attorney. If, on the other
11 hand, it is a sole proprietorship, which I see
12 this as, that individual would need to be present
13 or there would need to be an established agent
14 for it if it were a corporation. In absence,
15 sir, please, forgive me, let me finish. In
16 absence, if I'm not present, I can't just have
17 somebody out of the blue come in and sit in my
18 seat and decide they're going to be Chairman for
19 the day. The same holds true with you, legally.
20 You can't come in and sit in - - in the seat of
21 somebody who is not present here. Ms. Grill?
22 MS. GRILL: I just - - I received
23 communication from the Applicant yesterday
24 regarding the fact that he wouldn't be here and
25 requesting that it be held. And so I believe

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1 that he just had this gentleman come to convey
2 that information.

3 MR. KUMAR: May I speak now?

4 CHAIRMAN BOHL: Yes.

5 MR. KUMAR: He can't be here.

6 CHAIRMAN BOHL: That's fine. We're
7 going to hold that provision of the license here
8 and reschedule it. Okay? But you can't stand in
9 legally for him. Okay?

10 So for the application of Ms. Batton, I
11 will ask you at this time if you acknowledge
12 receiving a notice of today's meeting with the
13 possibility that that application may be denied?

14 THE APPLICANT: Yes.

15 CHAIRMAN BOHL: Okay. Ms. Grill, are
16 there holds here?

17 MS. GRILL: The Department of
18 Neighborhood Services has a hold for occupancy.

19 CHAIRMAN BOHL: All right. Thank you.

20 And, Sergeant, are there reports here? Police
21 report?

22 OFFICER TABIADON: No.

23 CHAIRMAN BOHL: Sorry. Officer. I
24 didn't see you. All right. Ms. Batton, you want
25 to just take a moment and let the committee know

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1 And is this a gas station location then?

2 THE APPLICANT: Yes, the Marathon Gas
3 Station.

4 CHAIRMAN BOHL: Okay. Questions by
5 committee? All right. Before we hear from
6 Alderman Davis, I want to see if there are any
7 individuals present in the room wishing to come
8 forward and provide testimony on this matter
9 relating to the food dealer license application
10 for Diamond Joe's at 9114 West Silver Spring
11 Drive? I see one. Anyone else? Good morning to
12 you, Marva, here. We'll swear you in if you'd
13 raise your hand.

14 (whereupon the witness was sworn.)

15 CHAIRMAN BOHL: We'll need your name
16 and address first for the record before your
17 testimony.

18 THE WITNESS: Marva Herndon, 5651 North
19 86th Place, 53225.

20 CHAIRMAN BOHL: And your testimony.

21 THE WITNESS: We held a meeting on
22 Saturday, and that was when the community got to
23 know what the relationship was between Ms. Batton
24 and the Marathon Gas Station, because up until
25 then we - - The neighborhood did not know what

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1 what your intentions are at this location, how
2 you intend to operate? whether you have any
3 relevant experience with this and how any
4 particular concerns may be addressed.

5 THE APPLICANT: I applied for the food
6 peddlers and the food dealers license. So that's
7 - - going to get a cart outside, a hot dog cart
8 outside, and then inside is we're going to be
9 serving the same thing, which is hot dogs, brats,
10 nachos, hamburgers, cheeseburgers, that sort of
11 thing.

12 CHAIRMAN BOHL: Okay. Are you
13 intending to do the outside cart year-round?

14 THE APPLICANT: No.

15 CHAIRMAN BOHL: So warm weather months,
16 and then, otherwise, you're going to serve - -

17 THE APPLICANT: Depending on - -

18 CHAIRMAN BOHL: - - the food and fare
19 inside.

20 THE APPLICANT: Yes.

21 CHAIRMAN BOHL: Do you have a separate
22 little grill area then, that you're proposing to
23 do that with - -

24 THE APPLICANT: Inside, yes.

25 CHAIRMAN BOHL: - - in the station?

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1 was going on, who was asking for what. In so
2 doing, they - - both people were there - - both
3 the owner of the station and Ms. Batton. They
4 explained themselves fully, and the community has
5 agreed to the license for her in this station.

6 CHAIRMAN BOHL: Thank you. Questions
7 by committee? Alderman Davis?

8 ALDERMAN DAVIS: I support.

9 CHAIRMAN BOHL: All right. With that
10 then, Alderman Kovac would move to recommend
11 approval. And hearing no objections to that, so
12 ordered.

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