

CITY OF MILWAUKEE

UTILITIES & LICENSES COMMITTEE

* * * * *

In the Matter of:

JIMENEZ, Juan J., Class "A" Liquor and Malt application
for "Malibu Liquors" at 821-823 S. Cesar E. Chavez Dr.

* * * * *

COMMITTEE MEMBERS

ALD. TERRANCE HERRON - Chairman

Ald. James Bohl

Ald. Fred Gordon

Ald. Angel Sanchez

DEPARTMENT OF NEIGHBORHOOD SERVICES by PANDORA BENDER

HEALTH DEPARTMENT by PAUL ZEMKE

CITY CLERK'S OFFICE by JIM COPELAND

POLICE DEPARTMENT by SERGEANT JOHN HOGAN

OFFICE OF THE CITY ATTORNEY by BRUCE SCHRIMPF

Proceedings had and testimony given in
the above-entitled matter, before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE, on
the 23rd day of October, 2001, reported by Donna
Gulczynski of Milwaukee Reporters Associated, Inc.

1 P R O C E E D I N G S

2 (NOTE: All City Personnel Were Sworn Under
3 Oath Prior to These Proceedings.)

4 CHAIRMAN HERRON: Juan J. Jimenez, Class "A"
5 liquor and malt application for Malibu Liquors at
6 821-823 South Cesar E. Chavez Drive. Would you raise
7 your right hand, please?

8 (Whereupon Mr. Juan Jimenez was Sworn Under
9 Oath.)

10 CHAIRMAN HERRON: And do you admit receiving
11 a notice of this meeting with the possibility that
12 your license may be denied due to an objection from
13 the police and concentration of alcohol beverage
14 outlets in the area?

15 MR. JIMENEZ: I do.

16 CHAIRMAN HERRON: Okay. Sergeant Hogan?

17 SERGEANT HOGAN: Again, the police
18 department does not object to the license. We have no
19 recommendation as to whether the license should be
20 granted since the applicant is already licensed at
21 this premise, a change of license from a "B" to an "A."

22 What of the report do you want me to read,
23 just the last licensing period, or do you want me to
24 start from scratch?

25 CHAIRMAN HERRON: Just the last licensing

1 period.

2 SERGEANT HOGAN: In the last licensing
3 period there was one incident occurring on January
4 13th of this year when officers conducted a tavern
5 check and observed two patrons under the legal
6 drinking age. The patrons stated that they were not
7 asked for identification.

8 The licensee stated that the underage people
9 must have come in the back door because he always
10 checks IDs. A citation was issued for permitting
11 underage to loiter, and there was a finding of guilty
12 on that.

13 CHAIRMAN HERRON: Health Department?

14 MR. ZEMKE: Health Department needs an
15 inspection of the premises.

16 CHAIRMAN HERRON: Department of Neighborhood
17 Services?

18 MS. BENDER: No objection.

19 CHAIRMAN HERRON: Sir, do you want to --
20 This is in Alderman Sanchez's district, by the way.
21 Do you want to go ahead and get started?

22 MR. JIMENEZ: Yeah. The reason I'm trying
23 to apply for a Class "A" license is I own the
24 establishment. I've been in business since '92. I've
25 been trying to do my best. I took the building -- it

1 was a rundown building. It was closed for like seven
2 or eight years.

3 All I can tell you is I'm trying to make a
4 living and try to do it honestly, and I like to work
5 with the neighborhood. I don't want to put a store in
6 that's going to create any problems or anything. I
7 also own another license, which I'm a contractor for
8 15 years. I had one complaint in 15 years.

9 I'm just trying to be as honest as I can and
10 make a living the right way and try to keep up the
11 building and keep myself working.

12 MR. SCHRIMPF: Mr. Chairman?

13 CHAIRMAN HERRON: Mr. Schrimpf.

14 MR. SCHRIMPF: Thank you. Just the usual
15 caution with respect to the one violation that the
16 police department read. I just rechecked the statutes
17 to find out if it applies to an application, which
18 this is, and under the clear terms of Section 125.12,
19 it does, so --

20 CHAIRMAN HERRON: Okay. Alderman Sanchez?

21 ALDERMAN SANCHEZ: Yes. Thank you very
22 much, Mr. Chair. Good afternoon, Mr. Jimenez. I have
23 spoke with Mr. Jimenez on several occasions, and just
24 to recap what he said, he is licensed at this location
25 with a Class "B, as a tavern right now, and he'd like

1 to switch over to a liquor store. He really -- I
2 think he's made some really good improvements in the
3 neighborhood. He also has another business as well.
4 He has a contracting and construction company. I
5 think it's called J & J Construction, so I think he's
6 a good business owner.

7 However, from reviewing the location and
8 the amount of -- once, again, the amount of liquor
9 licenses, you know, I have an issue again with
10 concentration and also how suitable this location is.

11 I'll pass around this map here. And my
12 biggest concern right now --

13 CHAIRMAN HERRON: Alderman Bohl will make
14 this map -- move to make this map a part of the
15 record. Is there any objection to that motion?
16 Hearing none, so ordered.

17 ALDERMAN SANCHEZ: My two biggest concerns
18 that I have; again, just number one, is the
19 concentration of outlets. The second thing is that --
20 the location from a traffic perspective, and I'm not
21 speaking on behalf of as a traffic engineer, but his
22 building is a quarter block south of the intersection
23 of 16th and National, on 16th Street. There's very
24 little parking available there, and -- There is some
25 parking available in the alley. However, you have to

1 look at the potential of what could happen if he would
2 become licensed. And while we can't hold him
3 accountable for what has happened at other liquor
4 establishments, Class "A" liquor establishments, I can
5 tell you that I am aware of problems such as people
6 sitting around in the alleys and drinking beer and
7 things like that now.

8 So the issue is it's not to hold him
9 culpable, but it's actually a preventive measure of
10 trying to avoid those types of things. So there is a
11 lack of parking, and, you know, I don't think that
12 this type of business would fit in well with the
13 intersection there and, really, lack of parking. And
14 Mr. Jimenez is well aware of that. I told him that
15 from the get-go, and he insisted on coming in before
16 the committee. He has that right to do so, but I told
17 him those were my concerns.

18 And I also told him, for the record, that I
19 would definitely, if he was looking for my support,
20 would consider it if he would find a different
21 location, of which he chose not to, by the way, so
22 this is the one that we're dealing with at this time,
23 and those are my comments.

24 CHAIRMAN HERRON: All right, Alderman
25 Sanchez. Are there any questions from members of the

1 committee for Alderman Sanchez or the applicant?

2 MR. SCHRIMPF: Mr. Chairman, it's my
3 understanding --

4 CHAIRMAN HERRON: Mr. Schrimpf.

5 MR. SCHRIMPF: -- that a portion of the
6 current map also overlaps the area that was considered
7 by the committee a few minutes ago in the previous
8 location, and just a caution to the committee, because
9 I understand that we're dealing in part with different
10 areas, but you're also dealing to some extent with
11 considerable overlap.

12 CHAIRMAN HERRON: And what is your caution?
13 That we recognize that?

14 MR. SCHRIMPF: That's right. That you
15 operate in light of that fact because you wouldn't
16 want to deny somebody in the previous hearing for
17 concentration and grant someone notwithstanding
18 concentration in this hearing. There's a consistency
19 issue.

20 CHAIRMAN HERRON: Okay. Are there any other
21 questions for members of the committee? Sir, do you
22 have any final statements before we take this into
23 committee?

24 MR. JIMENEZ: I would like to reply to some
25 of the questions for a second. The thing that I got

1 to say is that when I went to buy this building over
2 10 years ago, I tried to improve it to the best of my
3 neighborhood. I also started another business across
4 the street from the same location when I had the bar
5 which has been a successful business. I left the
6 partnership, left it to my other partner. And all I'm
7 trying to do is what's best for the community and
8 work.

9 I mean I understand the problems you have,
10 but -- I've been aware of all these problems. I've
11 been in the area for 25 years. I live right above the
12 bar, and believe me, I've got kids, and everything I
13 done is just to better myself and to better the
14 neighborhood. So I would gladly appreciate if you
15 could really consider to grant me the license, and I
16 can do my best.

17 I've done it in the bar and in my other
18 business, and -- I mean the point is that I work hard
19 to try to get somewhere, and I hope I'm not denied a
20 chance.

21 CHAIRMAN HERRON: This matter is in
22 committee.

23 ALDERMAN SANCHEZ: Mr. Chair.

24 CHAIRMAN HERRON: Alderman Sanchez.

25 ALDERMAN SANCHEZ: Well, let me say this.

1 First thing I want to say is part of the report
2 here, -- my report with the police report begins on
3 number four. I'm wondering if there's a page one to
4 this police report. It may be an incomplete report.

5 So I start with page two, and I run on that
6 page from four through eight, and then I go to page
7 three, 9 through 12, and then I go to page four ending
8 up on number 13.

9 CHAIRMAN HERRON: Are you asking is there an
10 incident number one through four?

11 ALDERMAN SANCHEZ: Well, one, two and three
12 would be missing from the report. I don't know if
13 it's just mine that's incomplete or if the file is
14 incomplete altogether.

15 ALDERMAN GORDON: I have the same.

16 CHAIRMAN HERRON: I believe they may be
17 numbered incorrectly, is that it, Mr. Copeland?

18 MR. COPELAND: Well, from looking at the
19 file there, Mr. Chairman, I have -- the file is
20 showing the same thing that Alderman Sanchez just
21 said. It starts with page two from the -- Page one
22 might -- and Sergeant Hogan might have to answer this.
23 Page one is the first section of the police background
24 report which gives the applicant's name, address, date
25 of birth, the establishment. Then it goes to page

1 two. So I'm not sure if this is page one, and then
2 page two begins.

3 SERGEANT HOGAN: Mr. Chairman, if you look
4 on page two, the heading for this application is on
5 there, type of license, name, date of birth. It
6 starts with number four. It was misnumbered. There's
7 no information missing.

8 CHAIRMAN HERRON: Okay. All right. Any
9 other comments on this matter? If there's no
10 comments, we need a motion here.

11 ALDERMAN GORDON: Mr. Chairman.

12 CHAIRMAN HERRON: Alderman Gordon.

13 ALDERMAN GORDON: I would move to recommend
14 denial at this time. While I applaud Mr. Jimenez's
15 entrepreneurial spirit, I think that it's pretty clear
16 that Alderman Sanchez has taken due diligent steps to
17 rectify concentration issues which permeate his
18 Aldermanic District, and having served on this
19 committee previously, I'm well aware of the
20 concentration issues in the 12th Aldermanic District,
21 and I think Mr. Jimenez certainly is to be commended
22 for doing what he has done to bring value to the
23 neighborhood and to the business ventures that he's
24 involved in, but I think that this particular
25 situation warrants no continued proliferation of

1 liquor establishments in this area. Thus, I'm moving
2 to recommend denial at this time.

3 CHAIRMAN HERRON: There's a motion for
4 denial. Is there any objection to that motion?
5 Hearing none, so ordered.

6 * * *

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

That the witness in the foregoing deposition named was present at the time and place therein specified;

That the said proceeding was reported by me and thereafter transcribed into computer-assisted transcription under my direction;

That I am a disinterested person to the
said action.

IN WITNESS THEREOF, I have hereto
subscribed my hand and affixed my office seal
this day of , 2002.

My Commission Expires: 12/15/03

