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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of a Class "B" TAVERN Renewal and TAVERN
DANCE Application for:

6

MIRTHA ROMERO-PEREZ

7

"La Bachata"

625 South 6th Street

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COMMITTEE MEMBERS

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ALD. JAMES BOHL - Chairman

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ALD. JOE DAVIS, SR., - Vice Chairman

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ALD. FREDERICK GORDON

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ALD. JOSEPH A. DUDZIK

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ALD. TERRY L. WITKOWSKI

14

LICENSING DIVISION by JAMES COPELAND

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NEIGHBORHOOD SERVICES by PANDORA BENDER

16

HEALTH DEPARTMENT by PAUL ZEMKE

17

POLICE DEPARTMENT by SERGEANT JOHN HOGAN

18

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 UTILITIES &
LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on
the 11th day of November, 2003.

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CHAIRMAN BOHL: The next item is for Romero-Perez, Class 'B' Tavern renewal and Tavern Dance applications for "La Bachata Bar" at 625 South 6th Street. Is it Bachata, Bachata, or how do you pronounce that?

THE APPLICANT: La Bachata.

CHAIRMAN BOHL: La Bachata, okay.

MR. COPELAND: Excuse me, Mr. Chairman. There should be a correction. This is renewal of a Class 'B' Tavern and it's a new Tavern Dance application.

CHAIRMAN BOHL: Okay. So it is not renewal of - - Renewal of the Class 'B' Tavern and new Tavern Dance.

We will need to - - Which - - Which of you is - - Is Mirtha here?

MR. VARGAS: She's Mirtha. My name is Attorney Ronny Vargas, and I represent Mrs. Romero-Perez. I'll also be serving as her translator.

CHAIRMAN BOHL: Mr. Vargas, V-A-R-G-A-S?

MR. VARGAS: V-A-R-G-A-S, yes.

CHAIRMAN BOHL: Thank you. Okay. If

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1 we'll - - We'll have to swear in your - - your
2 client. If you could have her raise her right
3 hand.

4 MS. ELMER: Do you solemnly swear to
5 tell the truth, the whole truth, and nothing but
6 the truth, so help you God?

7 THE APPLICANT: Yes, I do.

8 CHAIRMAN BOHL: Okay. And we need to
9 ask her if she acknowledges receiving notice of
10 today's meeting with the possibility this
11 application could be denied. And it's due to
12 neighborhood objections. You can ask her if it's
13 just neighborhood objections, but I'll read it
14 out. It's to loitering, littering, fights,
15 shootings, loud music, loud noise, traffic
16 problems, and conduct which is detrimental to the
17 health, safety and welfare of the neighborhood.
18 It is in the notice that she would have received
19 to notify her here today.

20 THE APPLICANT: Yes.

21 MR. VARGAS: Yes, she acknowledges.

22 CHAIRMAN BOHL: Thank you, Mr. Vargas.

23 We'll go around the horn. Health department?

24 HEALTH DEPARTMENT: No objections.

25 CHAIRMAN BOHL: Neighborhood Services.

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1 NEIGHBORHOOD SERVICES: No objections.

2 CHAIRMAN BOHL: This item does have an
3 attached police report. Sergeant Hogan.

4 SERGEANT HOGAN: There were two
5 incidents in the last licensing period. The
6 first occurred on December 18th of last year when
7 officers went to the premises to investigate a
8 complaint of drug dealing. On their arrival they
9 observed a woman standing just outside the door
10 of the tavern. Upon seeing the officers, this
11 woman ran inside yelling, "police." When the
12 officers entered a few feet behind her, they
13 observed her throw a wadded up napkin to the
14 floor that later was determined to contain
15 cocaine. She was taken into custody. There is
16 no further information on this incident.

17 Another incident was January 11th of
18 this year. Officers went to the establishment to
19 conduct a routine tavern check. Found a 20 year
20 old on the premises, and a citation was issued.
21 The fine was paid.

22 CHAIRMAN BOHL: Mr. Vargas, you've
23 heard the police reports as was read into the
24 record here. I need to ask you or your client
25 here if you have any questions or comments at

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1 this time relating to those matters in the police
2 report.

3 MR. VARGAS: Okay. Thank you, Chair -
4 - Mr. Chairman. My client realized that there
5 were certain times that some of the people were
6 opening up the back door and letting other people
7 in. When she realized that that was a problem,
8 she immediately posted the security. They have
9 security starting as of ten o'clock every
10 evening, and there's somebody continually in the
11 front and the back making sure that no one is
12 able to get in to the premises without first
13 being I.D.'d and checked. Since that incident we
14 haven't had any other problems with any other
15 underage drinkers or anything of the sort.

16 With regards to the - - to the drug
17 dealing. The report indicates when apparently
18 the person knew that she was being accosted by
19 the police and that she was being pursued. She
20 tried to simply go in there in attempts to avoid
21 the police. It wasn't something where there was
22 any kind of dealing or anything of the sort
23 happening inside of the bar.

24 The bar has a capacity of approximately
25 25 people. It is open seven days a week, and it

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1 is primarily run by my client, and she has a
2 licensed bartender who is in charge of opening
3 and closing. And they do have security in there.
4 They've attempted to resolve these problems, and
5 I believe there hasn't been any kind of incident
6 since - - since they took some of these measures.

7 CHAIRMAN BOHL: Thank you, Mr. Vargas.
8 Other questions, comments by committee, at this
9 point relating to the police report? Hearing,
10 seeing none. Alderman Sanchez, before we get to
11 you, it's cited for neighborhood objections. I
12 do need to see if there are any residents who are
13 here to testify in opposition to this matter. I
14 hear and see none. Alderman Sanchez, we'll go to
15 you?

16 ALDERMAN SANCHEZ: Thank you, Mr.
17 Chair. I'm here in support of this license. I
18 have had a chance to speak to the applicant here,
19 and in spite of this one incident I'd ask for
20 this committee to approve - - and approve this
21 license this afternoon here. Thank you.

22 ALDERMAN GORDON: Move approval, Mr.
23 Chairman.

24 CHAIRMAN BOHL: This matter is in
25 committee, and there's a motion by Alderman

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1 Gordon for approval of this matter. I will just
2 pass the gavel on this one. I'd ask for
3 recognition on the motion.

4 VICE-CHAIRMAN DAVIS: Alderman Bohl.

5 ALDERMAN BOHL: Thank you, Mr.
6 Chairman. Mr. Chairman, I - - Notwithstanding
7 - - And I've no reason to ever question the
8 sincerity of Alderman Sanchez. I certainly take
9 that to heart. I will just say that on the
10 surface alone, seeing a couple of - - of
11 incidents in which there is some severity,
12 including the - - the two items, one in which
13 cocaine-based substance was found there and as
14 well as the presence of a minor prohibited, I
15 certainly believe that a - - a message needs to
16 be sent, and I would suggest even a - - a small
17 suspension in order. So I will not support the
18 motion of a renewal at this time.

19 VICE-CHAIRMAN DAVIS: There's a motion
20 on the table by Alderman Gordon to approve the
21 renewal. Any comments by committee members? Any
22 objections, other than Alderman Bohl and my own?

23 ALDERMAN WITKOWSKI: Objection.

24 VICE-CHAIRMAN DAVIS: I will have the
25 clerk please call a voice roll, please?

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1 MS. BENDER: Alderman Davis?
2 ALDERMAN DAVIS: No.
3 MS. BENDER: Alderman Gordon?
4 ALDERMAN GORDON: Aye.
5 MS. BENDER: Alderman Dudzik?
6 ALDERMAN DUDZIK: Aye.
7 MS. BENDER: Alderman Witkowski?
8 ALDERMAN WITKOWSKI: No.
9 MS. BENDER: Mr. Chair?
10 CHAIRMAN BOHL: No.
11 MS. BENDER: Motion fails, two to
12 three.
13 ALDERMAN BOHL: Mr. Chairman.
14 VICE-CHAIRMAN DAVIS: Alderman Bohl.
15 ALDERMAN BOHL: At this point, given I
16 think the severity of - - of the - - the issues
17 that we have before us, including the first item,
18 and I know the first item is not in this license
19 year, but it does speak to there being some
20 problems here where Ms. Romero has even contacted
21 the police department concerning disorderly
22 subjects that her - - her husband allowed in at
23 the location. I think that the - - the police
24 report is severe enough to send a - - a message,
25 and I believe an appropriate message would be the

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1 minimal suspension, and so I would move for
2 approval of the application with a ten day
3 suspension due to items in the police report.

4 VICE-CHAIRMAN DAVIS: There's a motion
5 on the floor by Alderman Bohl to approve the
6 renewal with a ten day suspension. Any
7 discussion by committee members?

8 MR. COPELAND: Excuse me for
9 interrupting. Before you vote, you have to get
10 the results of the application of the Tavern
11 Dance before you, which is new.

12 ALDERMAN SANCHEZ: And you brought up a
13 good point. Again, Mr. Chair, I want to ask a
14 question for the city attorney in particular,
15 because what we have here is a - -

16 VICE-CHAIRMAN DAVIS: Hold on, Mister -
17 - Hold on. Alderman Sanchez.

18 ALDERMAN SANCHEZ: Yeah. Mr. Schrimpf,
19 how would we proceed from this point on to
20 approve the renewal of this application and also
21 the new application as far as the Tavern Dance is
22 concerned?

23 MR. SCHRIMPF: Well, one way that comes
24 to mind, and I'm certainly willing to listen to
25 Mr. Copeland if he has any thoughts, but you

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1 would renew with a ten day suspension, the
2 current Class 'B', and you would grant the Tavern
3 Dance. Or deny the Tavern Dance, depending on
4 what you vote today.

5 ALDERMAN BOHL: Mr. Chairman, I - - I
6 would like to amend my motion if I may do that.

7 VICE-CHAIRMAN DAVIS: Alderman Bohl.

8 ALDERMAN BOHL: And that would be for a
9 approval of the Class 'B' Tavern application with
10 a ten day suspension, and a denial of the Tavern
11 Dance application, and that would be due to items
12 in the police report. I believe that on the
13 motion that - - that given concerns of a very
14 small location, having a couple of - - of
15 incidents already, that I think that being
16 mindful we would not move forward at this point
17 with a Tavern Dance, which all too typically, not
18 guaranteed, but all too typically leads to other
19 problems. That would be my motion.

20 VICE-CHAIRMAN DAVIS: And just - - Just
21 to correct your - - Just to correct the motion.
22 Is that a motion to renew the - - the Tavern
23 Dance, Class 'B' Tavern Dance, and then
24 - - Renew it with renew - -

25 ALDERMAN BOHL: Renew it with a ten day

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1 suspension.
2 VICE-CHAIRMAN DAVIS: Ten day
3 suspension. And deny - -
4 ALDERMAN BOHL: No. Renew the Class
5 'B' Tavern with - - with a ten day suspension and
6 deny the Tavern Dance application.
7 VICE-CHAIRMAN DAVIS: Okay. There's a
8 motion on the floor to renew the Class 'B' Tavern
9 Dance - - renew the - - There's a motion on the
10 floor to renew the Class 'B' Tavern with a ten
11 day suspension and to - - and to deny the Class
12 'B' Tavern Dance license. Any discussion?
13 ALDERMAN WITKOWSKI: Mr. Chairman, I
14 was - -
15 VICE-CHAIRMAN DAVIS: Alderman
16 Witkowski.
17 ALDERMAN WITKOWSKI: I was wondering if
18 Alderman Sanchez was about to speak on that
19 before.
20 ALDERMAN BOHL: This matter is in
21 committee, Mr. Chairman. I would make Alderman
22 Witkowski aware of that.
23 VICE-CHAIRMAN DAVIS: Alderman Bohl.
24 Alderman Bohl. Any discussion on this - - on
25 this item? Any objection? To the motion that's

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1 on the floor? Hearing no objections, so ordered.

2 CHAIRMAN BOHL: Mr. Schrimpf.

3 MR. SCHRIMPF: Yes?

4 CHAIRMAN BOHL: There is something you
5 want to add at this point?

6 MR. SCHRIMPF: Oh. The committee is
7 going to be doing findings of fact and
8 conclusions - - The committee is going to be
9 doing findings of fact and conclusions of law
10 recommending the renewal of the Class 'B' Tavern
11 license and denial of the Tavern Dance license.
12 You will receive a copy of that report, and
13 you'll have an opportunity to submit written
14 objections to that report as well as to appear
15 before the Milwaukee Common Council when this
16 matter is taken up on November 25th, 2003 at
17 approximately nine a.m. in the Common Council
18 chambers of this building which is on this floor,
19 but the other end of this building.

20 ALDERMAN SANCHEZ: Mr. Chair. I
21 believe the applicant would like to withdraw the
22 Tavern Dance part of this and just approve his
23 license. His intent is to work with my office,
24 and in the future come back. I believe it's a
25 dead issue.

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1 MR. VARGAS: If I can, Mr. Chairman,
2 with regards to the - - the incident with my
3 client's husband, she doesn't speak very good
4 English. There were problems with what the
5 police understood. And when the police went in
6 there, okay, what they determined was that - -

7 CHAIRMAN BOHL: Mr. Vargas, we've
8 already opined on that matter, and - - and I
9 think we're finished with that. What I will say
10 is in order to help your client out, I would be
11 more than happy to entertain a motion at this
12 point for reconsideration. If you want to so
13 withdraw the Tavern Dance application, that way
14 it saves you half of the fee. I'd be more than
15 happy to oblige that.

16 MR. VARGAS: Sure.

17 CHAIRMAN BOHL: There's not objections
18 to that. We can have Alderman Witkowski move for
19 reconsideration of the motion for non-renewal of
20 the - - or for denial of the Tavern Dance
21 application. Is there any objection to that?
22 Hearing none, so ordered. At this point you
23 would like to withdraw that portion of the
24 application. Correct? On the record?

25 MR. VARGAS: That's correct, your

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1 Honor.

2 ALDERMAN SANCHEZ: Mr. Chairman.

3 CHAIRMAN BOHL: Then it's not before
4 us. And then the other part of the motion does
5 now stand. So. Okay. So the - - The ten day
6 suspension will still be applicable, and you will
7 still receive the findings of fact from the city
8 attorney's office.

9 MR. VARGAS: So there will be a
10 suspension for ten days?

11 CHAIRMAN BOHL: That is the
12 recommendation that will come before the entire
13 Common Council. You will receive findings of
14 fact from the city attorney's office related to
15 that matter. If you so choose, you can contest
16 that before the entire Common Council when we
17 meet on the morning of the 25th of November at
18 approximately nine a.m. in the Common Council
19 chambers.

20 CHAIRMAN BOHL: You want to go through
21 the motion here again? Okay. I will pass the
22 gavel, and we'll make the motion again, because I
23 don't know if I'm allowed to have somebody make
24 that. But just for clarification, Mr. Chairman.

25 VICE-CHAIRMAN DAVIS: Alderman Bohl.

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1 ALDERMAN BOHL: Thank you, Mr.
2 Chairman. Now that we do not have the Tavern
3 Dance application before us I would move at this
4 point, again, for the renewal of the Class 'B'
5 Tavern application with a ten day suspension due
6 to items in the police report.
7 VICE-CHAIRMAN DAVIS: Committee
8 members. The motion on the table is to renew the
9 Class 'B' Tavern with a ten day suspension. Any
10 discussion? Any objections? Hearing none, so
11 ordered.
12 CHAIRMAN BOHL: Thank you.
13 VICE-CHAIRMAN DAVIS: Mr. Schrimpf.
14 CHAIRMAN BOHL: We've already gone
15 through the findings of fact.
16 MR. SCHRIMPF: We've already gone
17 through it.
18 CHAIRMAN BOHL: Okay.
19 MR. SCHRIMPF: You understand that?
20 MR. VARGAS: Yes.
21 CHAIRMAN BOHL: Thank you, Mr. Vargas.
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1 STATE OF WISCONSIN)
2 MILWAUKEE COUNTY)

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5 I, JEAN M. BARINA, of Milwaukee Reporters
6 Associated, Inc., do certify that the foregoing
7 transcript was reduced to writing under my direction
8 and that it is a true and accurate transcription of
9 the Utilities and Licenses Hearing held on November
10 11, 2003.

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JEAN M. BARINA - COURT REPORTER

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Dated this day of December, 2003.

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