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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of the Home Improvement Contractor  
Application for:

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DANIEL DESOTEL  
D&S Remodelers  
3621 West College Avenue #6

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COMMITTEE MEMBERS

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- ALD. JAMES BOHL, JR., - Chairman
- ALD. JOE DAVIS, SR., - Vice Chairman
- ALD. FREDERICK G. GORDON
- ALD. JOSEPH A. DUDZIK
- ALD. TERRY L. WITKOWSKI

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- LICENSING DIVISION by JAMES COPELAND
- NEIGHBORHOOD SERVICES by PANDORA BENDER
- HEALTH DEPARTMENT by PAUL ZEMKE
- POLICE DEPARTMENT by SEARGENT JOHN HOGAN
- 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 27th day of January, 2004.

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P R O C E E D I N G S

CHAIRMAN BOHL: The next item is for Daniel Desotel, Home Improvement Contractor application for D&S Remodelers at 3621 West College Avenue, number six. He called in and - - and indicated that he was in a fender bender this morning, and so we'll have Alderman Gordon move to hold this item to the call - - There is some - - Oh. Mister Ron Roberts from Department of Neighborhood Services is here, joining us on this.

MR. ROBERTS: Yes. I just wanted the committee to note that the - - one of the neighbors concerned about the business practices of this contractor did appear, and I'm not sure what her ability is to come back, but I wanted you to note she was here.

CHAIRMAN BOHL: You know what. In fact, what we'll - - what we will do is we will - - We'll have Alderman Gordon - - We'll withdraw that motion. We can certainly hear from - - from the individual who is here, and that way what we'll do is we'll just have a - - a tape recording of - - or a transcript of the testimony if and when Mr. Desotel returns. That way it

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1 would not require you to come back. So we'll - -  
2 Well, I'll just call it again.

3 Daniel Desotel, Home Improvement  
4 Contractor application for D&S Remodelers at 3621  
5 West College Avenue, number six. And what we'll  
6 need to do is just we'll have to swear you in,  
7 ma'am, if - -

8 MR. SCHRIMPF: Do you solemnly swear  
9 the testimony you are about to give shall be the  
10 truth, the whole truth, and nothing but the  
11 truth, so help you God, and let the record  
12 reflect that it applies to both the witness and  
13 to Mr. Roberts.

14 CHAIRMAN BOHL: Absolutely. Thank you,  
15 Mr. Schrimpf.

16 THE WITNESS: I do.

17 CHAIRMAN BOHL: And, ma'am, what we're  
18 going to ask if you could provide us your name  
19 and your address for the record, and then any  
20 pertinent testimony you have relating to this - -  
21 to this item.

22 THE WITNESS: My name is Bernadette  
23 Davel, D-A-V-E-L. Address is 3271 North 46th  
24 Street.

25 CHAIRMAN BOHL: And - - And, Ms. Davel,

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1 if you could provide us any testimony you have  
2 relating to the item.

3 THE WITNESS: I'm a neighbor. My house  
4 - - The back of the house faces the property that  
5 this particular contractor is working on. This  
6 house has been condemned, and then through a  
7 variety of things happening, the house is  
8 currently being rehabbed. In this rehab period  
9 there has been a lot of debris around the  
10 property. There have been trucks always parked  
11 in the alley, making it very difficult for the  
12 people to come in and out. There has been, to my  
13 knowledge, has been some very strange practices.  
14 I've witnessed them putting shingles on the roof  
15 with no base material, so right on the wood.  
16 When I called the Department of Neighborhood  
17 Services, Mr. Schulz came out and checked on  
18 that, and it was done properly. We saw sod being  
19 laid December 1st. Some very strange practices.

20 They're working very late hours. They  
21 come sometimes at six o'clock in the morning and  
22 they work until ten - 11 o'clock. They're  
23 working on a roof with lights shining on the  
24 property. So they're on the roof at 10:30 at  
25 night. The - - The practices seem very

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1 inappropriate, and I'm concerned because this  
2 property has been a problem property, that it is  
3 being rehabbed in a less than appropriate way.  
4 And I'm concerned about what will happen in the  
5 future with this property when it is being  
6 rented.

7 CHAIRMAN BOHL: Thank you, Mrs. Davel.  
8 We'll get back to you in a second here.

9 Ron, I just - - As a follow-up here  
10 there is in the file an objection from the  
11 Department of Neighborhood Services and it  
12 relates to the fact that Mister - - as it states  
13 here Mr. Desotel has had a practice of doing  
14 contracting work in the City of Milwaukee without  
15 first having a license.

16 MR. ROBERTS: That is correct.

17 CHAIRMAN BOHL: And I assume that that  
18 would be true, based on DNS inspection of this  
19 property, as well.

20 MR. ROBERTS: Correct. In - - In fact,  
21 this property and another property, which I have  
22 a scope of work for. This was presented to me by  
23 Ms. Bender when it was presented to me that this  
24 contractor did not have a license, knowing that  
25 he had engaged in contracting practices prior to

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1 this application date, I thought it appropriate  
2 that we object and bring this before this  
3 committee for review.

4 CHAIRMAN BOHL: Do you have - - Do you  
5 have some documentation to provide the committee?

6 MR. ROBERTS: Yes.

7 CHAIRMAN BOHL: And what - - what  
8 exactly is this here, Ron?

9 MR. ROBERTS: What I have here is a  
10 scope of work presented by the contractor. His  
11 name appears on it, the address of the property  
12 in question. It was submitted to our department  
13 as a scope of work for a restoration agreement on  
14 another condemned building that this contractor  
15 had solicited a contract for. I also have  
16 pictures of the conditions of the property  
17 adjacent to the neighbor here, that the manner  
18 and construction practices of this particular  
19 contractor. We have issued citations. We have  
20 engaged in normal enforcement practices, but the  
21 code also allows us to object to any contractor  
22 that is not operating consistent with city codes,  
23 and - - and in this case this particular  
24 contractor is demonstrating business practices  
25 that would not be indicative of a candidate we

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1 would like to have licensed in the City of  
2 Milwaukee.

3 CHAIRMAN BOHL: Okay.

4 MR. ROBERTS: So I brought those to  
5 share with this committee.

6 CHAIRMAN BOHL: Okay.

7 MR. COPELAND: Excuse me, Mr. Chair.

8 CHAIRMAN BOHL: Yes, Mr. Copeland.

9 MR. COPELAND: These documents were not  
10 mailed to the applicant. I think, and Mr.  
11 Schrimpf might have to correct me, I don't know  
12 if it's appropriate at this time to enter them  
13 until we re-notice him for the next hearing.

14 MR. SCHRIMPF: Well, I think we can  
15 enter them into the record. I think the time  
16 that it's noticed again we're going to have to  
17 send copies of them, naturally, to the applicant.

18 CHAIRMAN BOHL: And - - And we'll have  
19 Alderman Witkowski first move to make the DNS  
20 photos part of our record. We'll call that  
21 Exhibit A. Hearing no objection to that, so  
22 ordered.

23 The accompanying documentation on the  
24 bid, Alderman Davis would move to make part of  
25 our record. Hearing no objection to that, we'll

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1 call that Exhibit B.

2 Other - - Alderman Gordon, in terms of  
3 questions of either Ms. Davel or - - or Mr.  
4 Roberts here?

5 ALDERMAN GORDON: Thank you, Mr.  
6 Chairman. I don't have any questions, but I just  
7 wanted to fill the committee in on some  
8 additional information. Ms. Davel is a long time  
9 resident in the area and very active in the  
10 Sherman Park Community Association. And this  
11 particular residence has been more than a bane in  
12 the neighborhood and - - and the community.  
13 We've had several calls to service. Mr. Roberts  
14 has been very active in trying to deal with this  
15 particular property. It's a weird kind of  
16 situation because it's a property, that sits  
17 right in the middle of the alley. And there have  
18 been rehabilitation efforts on this particular  
19 property for several years. And I received  
20 numerous calls from Ms. Davel, Ralph Holman, who  
21 is the President of the Milwaukee Urban League,  
22 lives right behind the property. There are  
23 several people that are involved in the  
24 activities in the Sherman Park community that  
25 have complained about this property for several



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1 years.

2 This particular practice started  
3 recently, I'd say within the last year or so, as  
4 far as the rehabilitation efforts going on in the  
5 night from seven - - eight - - seven p.m. to ten  
6 p.m. and beyond. And I've received calls  
7 regarding this situation taking place in the  
8 neighborhood. It's been a real problem, and this  
9 individual, I don't know if he goes back in terms  
10 of history with this particular property, but  
11 they seem to have esc - - exacerbated the  
12 problems since he be - - he began working on the  
13 house. And I wish he was here today to answer  
14 questions of this committee. But I'm going to  
15 reserve my concerns until he does appear, because  
16 I have several questions that I want to ask him,  
17 but obviously it's my intention that this  
18 particular licensee suffer some sort of penalty  
19 because of the kinds of problems that have been  
20 caused regarding this particular property and the  
21 effect that it's had on the neighborhood.

22 CHAIRMAN BOHL: And I believe this is a  
23 new application, as well, too, because he doesn't  
24 have a current application. So.

25 MR. SCHRIMPF: Mr. Chairman.

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CHAIRMAN BOHL: Mr. Schrimpf.

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MR. SCHRIMPF: I just want to tie up

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one little detail.

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CHAIRMAN BOHL: Certainly. Question

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for - -

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MR. SCHRIMPF: Who is the - - First of

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all, what is the address of the subject property

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that Ms. Davel and Mr. Roberts are talking about?

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THE WITNESS: 4620 West Hale Place.

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MR. SCHRIMPF: Who is the owner of the

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property at that address? It is not the license

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applicant?

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MR. ROBERTS: It is not the license

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applicant.

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MR. SCHRIMPF: All right. That's the

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detail I want to tie down. All right.

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CHAIRMAN BOHL: In fact, because he

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would at least to some extent have the ability to

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do some work on his property without - - without

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a contractor's license if it - -

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MR. SCHRIMPF: He'd have to get

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permits.

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CHAIRMAN BOHL: - - his own residential

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property. He'd have to have permits, but he

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could do some work.

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1 MR. SCHRIMPF: Well, that's - -  
2 Actually, Mr. Chairman, that's another question.  
3 Were permits taken out on this property?

4 MR. ROBERTS: Yes. There was a permit.  
5 This - - This property is currently under court-  
6 ordered restoration agreement. So I did have a  
7 conversation with this contractor in March of  
8 2003 and advised him of the licensing  
9 requirement. It was my understanding at that  
10 point that he had filed his application then. I  
11 was quite surprised in November when I found out  
12 that not only had he not filed, but he had  
13 continued to practice all that time without a  
14 license. So it - - It was a surprise to me, but  
15 I do know that the contractor was aware of the  
16 requirement, based on a conversation we had back  
17 in March.

18 CHAIRMAN BOHL: One follow-up to Mr.  
19 Schrimpf's question here. Do you know if the - -  
20 the permits were pulled by the owner of the  
21 property or were they pulled by the contractor?

22 MR. ROBERTS: Yes. They were pulled by  
23 the contractor. I have a - -

24 CHAIRMAN BOHL: They were.

25 MR. ROBERTS: I have a - - I have a

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1 copy. I'm sorry. I should have submitted that,  
2 too, signed by Mr. De - - Desotel.

3 CHAIRMAN BOHL: Okay. And we'll have  
4 Alderman Gordon move to make this document part  
5 of our record. We'll call that Exhibit C.  
6 Hearing no objections to that, so ordered. Are  
7 there any other questions of - -

8 ALDERMAN DAVIS: Mr. Chairman.

9 CHAIRMAN BOHL: Alderman Davis.

10 ALDERMAN DAVIS: Mr. Roberts, if he's  
11 not a licensed contractor, is he still allowed to  
12 pull building permits for rehab or what is the  
13 process on that? I thought that you had to be a  
14 licensed contractor in order to appeal - - pull  
15 building permits here in the City of Milwaukee?

16 MR. ROBERTS: Yes, you do. This - - In  
17 this situation, here again, this was a - - a  
18 court-ordered restoration agreement. It was very  
19 time sensitive. We agreed to issue the permit  
20 and the license application at the same time only  
21 as - - What - - What happened actually, the owner  
22 was going to take out the permit. It was ordered  
23 by the court, and they had a deadline with which  
24 to do that. We did not want to be - - appear to  
25 be obstructing the process, because that's what

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1 the courts had indicated we were doing. But we  
2 instructed the contractor we would do a  
3 simultaneous application and license application.

4 He indicated that he would follow that  
5 process, and to my knowledge, he had. And I was  
6 surprised when I found out that it had not been  
7 done. He was asked to take out a bond to insure  
8 this job, and that had been done, and he  
9 submitted that documentation to us. I thought he  
10 had also submitted a copy of his application for  
11 the license and found out that that was not done.  
12 So I would admittedly say that it was an error on  
13 our part. However, that's just one location.  
14 Here again, I offered the other location.  
15 Despite the fact that he knows there's this  
16 requirement, he continues to solicit other  
17 business without a license, and that's why I  
18 brought that other address.

19 CHAIRMAN BOHL: And there still may be  
20 others out there.

21 MR. ROBERTS: And there may be others.  
22 I don't know about all of the contracting he has  
23 done. I - - I would speculate to say it's  
24 difficult for a contractor to survive on one  
25 project, and the fact that he is not licensed at

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1 this point is a concern to me.

2 ALDERMAN DAVIS: Mr. Chair.

3 CHAIRMAN BOHL: Go ahead, Alderman.

4 ALDERMAN DAVIS: Have we closed that  
5 loophole, and that loophole is, I mean, just  
6 because he was court-ordered and he's not a  
7 licensed contractor and he's able to pull permits  
8 on construction permits, have we closed that  
9 loophole - -

10 CHAIRMAN BOHL: Yes.

11 ALDERMAN DAVIS: Because I - - I think  
12 what happens is - - is that when we have  
13 contractors that's out there and understand that  
14 there's a way to get around it, not only Mr.  
15 Desotel, but I'm concerned that there's other  
16 contractors who may try to use this tactic, also.  
17 I know the courts are involved, but what is DNS  
18 doing so this doesn't happen again, because I  
19 think I understand and I think you understand  
20 that quality contractors out there who are  
21 licensed protect our neighborhoods. I mean,  
22 we're assured that they are able to perform the  
23 work in a very workmanship-like type of manner.

24 MR. ROBERTS: Um-hnh.

25 ALDERMAN DAVIS: What type of

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1 provisions are we taking so that this doesn't  
2 happen again. Because taking a look at the  
3 pictures, you know, I feel for Mrs. Davel. I  
4 mean, in that neighborhood to see, you know,  
5 things torn out of a house and just stacked on  
6 - - stacked on the side of the house, and then  
7 all of a sudden snow comes, and you have rodents  
8 and things of that nature that burrows up  
9 underneath. And it just - - And when you have a  
10 stabilized neighborhood like I - - I know that  
11 Mrs. Davel come from, and I'm going to ask her,  
12 how long - - How long have you stayed in the  
13 neighborhood?

14 THE WITNESS: I've lived there 31  
15 years.

16 ALDERMAN DAVIS: See, it - - it upsets  
17 the apple cart. So I'm - - What have we done as  
18 far as DNS in order to close that loophole so  
19 this doesn't happen again?

20 MR. ROBERTS: Well, I have instructed  
21 my staff in regard to what steps to take to  
22 insure that the proper licenses are in place, and  
23 we do that on a daily basis. A contractor comes  
24 in, we check for licenses, and admittedly there  
25 are times when something will slip through the

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1 crack. When we catch those, we go back and make  
2 sure that all the proper paperwork is in order.  
3 In terms of the loophole though, the owner, for  
4 example, can take out the permit to renovate the  
5 home themselves. At that point they can hire  
6 anyone to work for them, and it can be an  
7 unlicensed contractor. So I don't know that just  
8 checking to insure that a contractor has a  
9 license eliminates the possibility of someone  
10 doing work that is not licensed or not authorized  
11 to do that work. An owner can bring anyone they  
12 want in to do that work.

13 ALDERMAN DAVIS: I understand. But - -

14 MR. ROBERTS: So that may create a  
15 loophole itself.

16 ALDERMAN DAVIS: I'm - - I'm just more  
17 concerned about an unlicensed contractor being  
18 able to pull City of Milwaukee permits.

19 MR. ROBERTS: That - - Most of the  
20 permits are issued by the Development Center, and  
21 they do a thorough check to insure that the  
22 licenses are in place.

23 ALDERMAN DAVIS: So are you saying this  
24 is just an isolated incident?

25 MR. ROBERTS: This is an isolated



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1 incident.

2 ALDERMAN DAVIS: It just got through.

3 MR. ROBERTS: Right.

4 ALDERMAN DAVIS: Okay. All right.

5 CHAIRMAN BOHL: Any other questions by

6 committee of - - of either Ms. Davel or - - or

7 Mr. Roberts? Okay. We thank you both for - -

8 for your time here this morning.

9 Alderman Gordon would again move to

10 hold this item to the Call of the Chair. Hearing

11 no objection to that, so ordered.

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1 STATE OF WISCONSIN)  
 ) SS:

2 MILWAUKEE COUNTY )

3 I, JEAN M. BARINA, do certify that the above  
4 Utilities and Licenses Hearing was reported by me and  
5 reduced to typewriting under my direction.

6 I further testify that I have no interest  
7 in said matter as an attorney or otherwise and am not  
8 related to the parties interested herein.

9 In witness whereof, I have hereunto set  
10 my hand and affixed my seal of office at Milwaukee,  
11 Wisconsin, this day of February, 2004.

12

13 Jean M. Barina - Court Reporter

14 My Commission Expires: 03/11/07

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