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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the Class "B" Tavern renewal
application for:

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ARI DOMNITZ
BAR LOUIE WATER STREET
1114 North Water Street

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair
ALD. JAMES BOHL, JR., - Vice-Chairman
ALD. TERRY WITKOWSKI
ALD. ROBERT PUENTE
ALD. WILLIE WADE

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LICENSING DIVISION by REBECCA BARRON
NEIGHBORHOOD SERVICES by TOM WESSEL

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HEALTH DEPARTMENT by PAUL ZEMKE
POLICE DEPARTMENT by SEARGENT CHET ULICKEY

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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 LICENSES
COMMITTEE OF THE CITY OF MILWAUKEE, on
the 17th day of July, 2007.

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P R O C E E D I N G S

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CHAIRMAN WITKOWIAK: Back on the record. Ari Domnitz, Agent for "Bar Louie Water Street, Incorporated, Class "B" Tavern renewal application for "Bar Louie" at 1114 North Water Street. Good afternoon.

THE APPLICANT: Good afternoon.

CHAIRMAN WITKOWIAK: Could you raise your right hand? We'll swear you in.

(Whereupon the Applicants were sworn.)

CHAIRMAN WITKOWIAK: Your name and address for the record, please.

THE APPLICANT: Ari Domnitz. I live at 5432 North Iroquois Avenue in Glendale, Wisconsin.

CHAIRMAN WITKOWIAK: And you are?

MS. DENNIS: Rachel Dennis on behalf of Bar Louie Water Street and Bar Louie America, General Counsel and Vice-President.

CHAIRMAN WITKOWIAK: Okay. And?

MR. WARD: Scott Ward on behalf of Bar Louie, Vice-President.

CHAIRMAN WITKOWIAK: Okay. Let me get to the notice here. Do you admit to receiving a notice in the mail that there's a possibility

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1 your application could be denied due to items
2 contained on the police report and neighborhood
3 objections?
4 THE APPLICANT: Yes, I do.
5 CHAIRMAN WITKOWIAK: Okay. Health
6 Department?
7 HEALTH: Health Department has no
8 objection.
9 CHAIRMAN WITKOWIAK: Neighborhood
10 Services.
11 DNS: No objections.
12 CHAIRMAN WITKOWIAK: Sergeant, the
13 police report, please?
14 SERGEANT ULICKEY: On 2/21 of '07 at
15 1:44 a.m. Milwaukee police were dispatched to
16 1114 North Water Street for a battery complaint.
17 Officers observed the victim bleeding profusely
18 from his mouth. Officers observed the victim to
19 be covered in blood and that his lip was split in
20 half. The victim stated that two bouncers had
21 beaten him inside of the bar. Officers obtained
22 descriptions from the victim, and entered the
23 tavern to locate the bouncers. Officers found
24 the bouncers identified as Michael Phillips and
25 Lavatar Griffin, with Phillips admitting to

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1 having an altercation with the victim. Victim -
2 - Or Phillips stated that the victim refused to
3 leave the tavern, and when asked to leave - - or
4 when asked to leave at closing time. Phillips
5 stated the victim got into his face and shoved
6 him. Phillips then stated the victim swung at
7 him, and he had to defend himself. The fight
8 ended up on the bar floor, and Griffin came over
9 to help get the victim under control. Phillips
10 stated that the - - Once the victim was outside
11 the bar, he noticed blood on himself, and
12 realized the victim must have been cut. Officers
13 observed no blood anywhere in the bar for the
14 amount that the victim was bleeding outside.
15 When asked about the scene inside the bar, the
16 manager, identified as Nancy Morgan, stated her
17 staff cleaned the blood immediately. Officers
18 also observed both Phillips and Griffin had no
19 blood on them. And after they both admitted to
20 having blood on them from the fight. Both
21 Griffin and Phillips stated they had washed up
22 immediately after - - afterwards. When asked
23 they would clean up the bar, knowing police were
24 called, they responded they didn't want any of
25 the customers seeing it, or stepping in it on the

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1 way out. The victim received 11 stitches to
2 close the wound, and that officers arrested both
3 security guards for substantial battery due to
4 the seriousness of the victim's injury. A check
5 CCAP revealed no charges were issued.

6 On 6/3 of '07 at 10:45 p.m. Milwaukee
7 police investigated dis - - a disturbance at the
8 Bar Louie, 1114 North Water Street.
9 Investigation revealed a patron was upset over
10 food despite several attempts by management to
11 correct the problem. The patron continued to
12 yell and curse, causing a disturbance. The
13 manager even asked the patron to leave, and she
14 refused, continuing to cause a disturbance.
15 Patron was escorted out the bar by an employee
16 identified as John Davis, who was observed by
17 police to have several scratches on his face.
18 Davis stated to officers that as he was escorting
19 the patron out of the bar, she scratched him
20 several times in the face and also bit him.
21 Officers issued a citation to the patron for
22 assault and battery.

23 CHAIRMAN WITKOWIAK: Any questions
24 about the police report?

25 THE APPLICANT: No.

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1 CHAIRMAN WITKOWIAK: No. Food's not
2 that bad there, is it?
3 THE APPLICANT: It's excellent.
4 ALDERMAN WADE: Mr. Chair.
5 CHAIRMAN WITKOWIAK: I couldn't resist
6 that. Alderman Wade.
7 ALDERMAN WADE: Do these two gentleman
8 need to stay with us, or?
9 CHAIRMAN WITKOWIAK: One more - -
10 MR. SCHRIMPF: There is, yeah.
11 CHAIRMAN WITKOWIAK: Yeah, the
12 beginning of the next hearing, then we - - then
13 we can - - Well, I don't know. We'll think about
14 excusing the - -
15 MS. BARRON: They don't have any
16 information on the next application.
17 CHAIRMAN WITKOWIAK: Pardon?
18 MS. BARRON: They don't have any
19 information on the next item.
20 CHAIRMAN WITKOWIAK: Oh, they don't.
21 Well, then you are excused at this time. Thank
22 you for your service today.
23 DNS AND HEALTH: Thank you, Mr.
24 Chairman.
25 ALDERMAN BOHL: Mr. Chairman.

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1 CHAIRMAN WITKOWIAK: Alderman Bohl.

2 ALDERMAN BOHL: What was - - What, if
3 anything, was done with the - - the two bouncers
4 that were involved in incident number one?

5 THE APPLICANT: After they were
6 released from jail they were terminated. We - -
7 We did a training seminar immediately after the
8 incident in the - - in the location, brought in
9 an off - - off-duty police officer, retrained the
10 entire staff on how to handle any kind of
11 situations. Reviewed our door host policy
12 procedures.

13 ALDERMAN BOHL: I'm assuming that - -
14 that - - and I commend you on - - on going
15 through that process. But I think that that is
16 as much tantamount to a realization that this is
17 issue was not handled properly by your - - by
18 your staff.

19 THE APPLICANT: Right.

20 ALDERMAN BOHL: Let me - - I'll - -
21 Otherwise, if you want to tell me no, I'm going
22 to ask you that if I get into an argument, your
23 staff ought to punch me, whether or not I
24 threaten them or not.

25 THE APPLICANT: Agreed. And they're

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1 not allowed to put a hand on - - on any customer
2 or employee.

3 MS. DENNIS: We will mention that was
4 against our policy and procedure.

5 ALDERMAN BOHL: I'll tell you despite
6 anything else, if you haven't been sued, you're
7 lucky you weren't sued.

8 THE APPLICANT: Correct.

9 ALDERMAN BAUMAN: I'm sure they're not.

10 CHAIRMAN WITKOWIAK: And can I just see
11 a show of hands? Is there anyone here in the
12 audience here to testify to Bar Louie at 1114
13 North Water Street, other than the people at the
14 table. Let the record show no one acknowledges
15 that question. Alderman Bauman?

16 ALDERMAN BAUMAN: Yeah, thank you, Mr.
17 Chair. The relevant issue here is, while this is
18 obviously an incident, it speaks for itself. And
19 admitted there was a problem with the bouncers.
20 They were terminated. I would generally consider
21 that a closed case. The problem is that they
22 renewed late, and they're going to have a
23 substantial period when they're going to have - -
24 be able to serve no liquor. No matter what we
25 do. Correct, Ms. Barron?

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1 MS. BARRON: That's correct.

2 ALDERMAN BAUMAN: And that - - They
3 don't appear to understand that, and I think
4 they're here under the assumption that somehow we
5 could magically make exceptions to the procedural
6 deadlines and the statutory deadlines, which both
7 State Statute and our ordinances contain, and we
8 cannot. Because they applied late for renewal
9 and because there was a incident on the record,
10 whatever it related - - whatever its merits
11 were - -

12 CHAIRMAN WITKOWIAK: Puts them in a
13 different category.

14 ALDERMAN BAUMAN: - - puts them at
15 risk, and maybe Ms. Barron can explain it more
16 fully, because obviously I'm not going to request
17 any draconian discipline based on this one issue.
18 I've been in the establishment. It seems to be a
19 well run establishment. That's not the issue.
20 The issue is they're going to not be able to
21 serve liquor from sometime in July until August
22 6th. Correct?

23 MS. BARRON: September 5th.

24 ALDERMAN BAUMAN: September 5th.

25 CHAIRMAN WITKOWIAK: Ms. Barron, would

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1 you - - would you explain this?

2 MR. SCHRIMPF: Mr. Chairman, Alderman,
3 and Ms. Barron. Counsel and I, while we were
4 taking a break, I explained it to them. And we
5 went through the ordinances and the Statutes and,
6 yeah, they - - It's absolutely true. They filed
7 on July - - I think it was July the 5th.

8 MS. BARRON: July 5th.

9 MR. SCHRIMPF: Therefore, because - -
10 The committee can go ahead and hold the hearing,
11 and you're doing that. That's fine. But the
12 Council cannot, by ordinance and by Chapter 125,
13 go ahead and take up the recommendation of this
14 committee, whatever it is, presuming it's some
15 kind of a renewal, until on and after September
16 5th, which is the next meeting of the - - of the
17 Common Council because of the effect of the
18 August break.

19 CHAIRMAN WITKOWIAK: And do you
20 understand that?

21 THE APPLICANT: We do now. This - -
22 This came obviously when I - - when I received
23 the notice at the office. It came to light that
24 an employee of ours didn't follow protocol when
25 the license procedure - - procedure went through,

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1 and when I read it and found out the seriousness
2 of the situation, terminated yet another
3 employee, the one with the liquor license issues,
4 and grabbed counsel here as of last week and
5 strategized to come here and deal with the issue
6 head-on.

7 CHAIRMAN WITKOWIAK: So you understand
8 that, I mean, even if we had a magic wand and
9 waved it, we couldn't make anything happen here
10 that - - that would get you that renewal any
11 sooner?

12 MS. DENNIS: Well, respectfully, I
13 understand that the - - the law requires you to
14 wait 30 days from the renewal application, which
15 was filed - - or received here July 5th.
16 Therefore, I would say August 5th or after you
17 would be able to grant the renewal application.
18 So I - - I know that legally you can do that on
19 August 5th. If there's a scheduling problem,
20 that's not a legal problem.

21 CHAIRMAN WITKOWIAK: Yeah, I mean, but
22 the problem is we're off in August. That's - -
23 So that's - -

24 MR. SCHRIMPF: Right.

25 ALDERMAN BOHL: Mr. Chairman.

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1 MS. DENNIS: And apparently so are we.

2 ALDERMAN BOHL: They're - - They're
3 welcome to - - to talk with the Council President
4 who has the ability to call, though, that he's
5 made an internal policy not to do that. It's - -
6 It has been done in the past, where the Council
7 President has the authority to - - probably take,
8 garner a - -

9 CHAIRMAN WITKOWIAK: Quorum.

10 ALDERMAN BOHL: - - quorum.

11 MR. SCHRIMPF: Let me explain. My
12 understanding of that, Mr. Chairman, is that if
13 the Council is going to be taking up business
14 during the August break for other reasons, then
15 it's possible to trailer a recommendation of the
16 licenses committee on that. But if there's no
17 other business before the Council during the
18 August break, then I - - I agree. I think the
19 policy is not to schedule during the August
20 break.

21 ALDERMAN BOHL: But it's solely the
22 discretion of the Council President.

23 CHAIRMAN WITKOWIAK: Okay. But now we
24 all understand the reality of this, right.

25 THE APPLICANT: Yes.

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1 CHAIRMAN WITKOWIAK: Okay.

2 ALDERMAN WITKOWSKI: Mr. Chair, just to
3 point out that it's policy not just for the
4 August break, but it's the policy not to schedule
5 a special meeting of the Council for license
6 matters.

7 ALDERMAN BOHL: Yes. That's - -

8 CHAIRMAN WITKOWIAK: Yeah, that's
9 correct.

10 ALDERMAN BOHL: But that is the policy
11 of this President. It hasn't been the policy of
12 past presidents.

13 CHAIRMAN WITKOWIAK: Right. Okay. Any
14 other questions by members of the committee?
15 Anything further to say?

16 MS. DENNIS: Who is the Council
17 President, and how do I speak to that person?
18 Thank you very much.

19 ALDERMAN PUENTE: So, Mr. Chair.

20 CHAIRMAN WITKOWIAK: Yes, Alderman
21 Puente.

22 ALDERMAN PUENTE: So if it goes the way
23 that it's right now, how many days will they be
24 out of business?

25 MS. DENNIS: Well, based on - -

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1 THE APPLICANT: 36.
2 ALDERMAN PUENTE: How many?
3 ALDERMAN BOHL: 36.
4 ALDERMAN PUENTE: Okay. Thank you.
5 MS. BARRON: July 30th to September
6 5th.
7 ALDERMAN PUENTE: Okay. Thank you.
8 THE APPLICANT: 320,000 dollars in
9 volume.
10 MS. BARRON: That's why I would just
11 note that we send out multiple notices to people
12 when they're supposed to file, that we did send
13 an application.
14 THE APPLICANT: We screwed up. That
15 employee screwed up, and was terminated.
16 MS. BARRON: And we go through the
17 Council calendar so that we don't put anyone in
18 this situation ourselves.
19 CHAIRMAN WITKOWIAK: We'll have some
20 Coca-Coca promotions. Alderman Bohl?
21 ALDERMAN BOHL: At this point, I'll
22 move approval of the renewal with the issuance of
23 a warning letter.
24 CHAIRMAN WITKOWIAK: Motion by Alderman
25 Bohl is to - - is to recommend renewal of this

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1 license with the issuance of a warning letter
2 based on items contained in the police report.
3 Are there any objections to that motion? Hearing
4 none, so ordered. Okay. Thank you.

5 THE APPLICANT: Thank you.

6 THE APPLICANT: Thank you.

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3 STATE OF WISCONSIN)

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5 MILWAUKEE COUNTY)

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7 I, JEAN M. BARINA, of Milwaukee Reporters
8 Associated, Inc., 5124 West Blue Mound Road,
9 Milwaukee, Wisconsin 53208, certify that the foregoing
10 proceedings is a full and complete transcript of the
11 Licenses Committee Hearing for Bar Louie in the
12 foregoing proceedings.

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JEAN M. BARINA

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Court Reporter

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22 Dated this day of , 2007.

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