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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 and Tavern
Amusement (Cabaret/Nite Club)
renewal applications for:

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SEAN RAFFAELLI
RICKEY'S ON STATE
2601 West State 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
HEALTH DEPARTMENT by PAUL ZEMKE
POLICE DEPARTMENT by SEARGENT CHET ULICKEY
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: Okay. In the 4th District, Sean Raffaelli, agent for "DLR, Inc.," Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) renewal applications for "Rickey's on State," 2601 West State Street. Come up to the table, please.

THE APPLICANT: Good afternoon. Please raise your right hands, we'll swear you in. (Whereupon the applicant and witnesses were sworn.)

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

THE APPLICANT: Sean Raffaelli, 5615 Grandview Drive, Greendale, Wisconsin.

SERGEANT GRUBICH: Sergeant Wade Grubich with the Milwaukee Police Department, District 3.

CHAIRMAN WITKOWIAK: Let the record show Alderman Bauman appears in this matter, also. Would you state your appearance, please?

MR. LERNER: Robert Lerner, on behalf of Mr. Raffaelli and Rickey's.

CHAIRMAN WITKOWIAK: Health department?

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1 HEALTH: No objection.

2 CHAIRMAN WITKOWIAK: Neighborhood

3 services?

4 DNS: No objection.

5 CHAIRMAN WITKOWIAK: Mr. Raffaelli, do
6 you admit to receiving notice in the mail there's
7 a possibility your application could be denied
8 because of items contained on the police report,
9 and neighborhood objections to loitering,
10 littering, loud music, noise, fights, shootings,
11 drugs, criminal activity, prostitution,
12 disorderly conduct, sales and presence of
13 underage, mismanagement of the location, and
14 conduct which has had an adverse impact on the
15 health, safety or convenience and the prosperity
16 of the neighborhood? Did you get one of those
17 notices?

18 THE APPLICANT: Yes, I did.

19 CHAIRMAN WITKOWIAK: Sergeant, first,
20 with the police report?

21 SERGEANT ULICKEY: As indicated,
22 incident number five was previously reported.
23 Dispositions that were added are as follows. In
24 regards to the posting of occupancy, he was found
25 guilty and fined 3,000 dollars. The safe egress

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1 was dismissed. The license of permit required is
2 found guilty and fined 212 dollars. And charges
3 to be posted, he was fined 343 dollars.
4 I will also add, excuse me, that the
5 items are misnumbered. The items contained on
6 page four should actually be items eight, nine
7 and ten. In regards to item number nine, on
8 11/10 of '06 Milwaukee Police were dispatched to
9 Rickey's for a large fight. Investigation
10 revealed four subjects attempted to enter the
11 tavern with one being denied entry due to the
12 policy of no patrons under 25 allowed in. A loud
13 verbal argument started between the subjects and
14 security, with it escalating to a physical fight.
15 Officers observed property damage to the tavern.
16 Because of the fight, most of the patrons inside
17 the tavern left. Officers viewed video from the
18 security camera which showed security did, in
19 fact, spend ten to 15 minutes attempting to
20 diffuse the situation before the fight actually
21 started. One employee did suffer a possible
22 broken nose, chipped tooth and a swollen hand.
23 Another employee suffered a large laceration to
24 the forehead. The four subjects were arrested
25 and charged with disorderly conduct.

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1 On 3/25 of '07 at two a.m. Milwaukee
2 Police were dispatched to Rickey's for shots
3 fired complaint. Officers arrived and spoke to
4 the bar manager identified as Michael Segal, who
5 stated that there was no fight or any shooting at
6 the club prior to the officers' arrival. The
7 call came in from an anonymous caller and
8 officers made the call baseless. However, at
9 3:04 a.m. detectives were sent to St. Joseph's
10 Hospital for two shooting victims, one with a
11 gunshot wound to his hand and chest, and the
12 other was shot to the left side of his head.
13 Both victims stated they were shot while
14 attempting to leave Rickey's on State. Officer
15 Segal - - Or officers contacted Segal and had him
16 respond back to Rickey's in attempts to locate
17 and preserve a crime scene. Segal was questioned
18 by detectives and admitted to them that a large
19 fight erupted inside the tavern near the stage
20 with a chair being thrown. Segal then stated he
21 heard what he thought was a shot being fired.
22 Video was recovered from the tavern that showed a
23 fight breaking out and a subject with a gun
24 getting up from the ground and firing shots
25 toward the front door of the tavern. Because of

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1 Segal's initial false statements to the officers
2 who responded earlier for the shots fired
3 complaint, the opportunity to gather witnesses,
4 recover evidence, and preserve the crime scene
5 were compromised.

6 CHAIRMAN WITKOWIAK: Thank you. Do you
7 have any questions about the police report?

8 MR. LERNER: I don't have questions. I
9 have comments.

10 CHAIRMAN WITKOWIAK: Okay. Then we'll
11 - - Then we'll listen to your comments.

12 MR. LERNER: As to the incident of
13 November 10th, it doesn't appear that anybody at
14 Rickey's did anything inappropriate. In fact,
15 they acted - - acted in a very appropriate way.
16 They - - They have a new policy that when we were
17 here last year, there were various suggestion - -
18 suggestions made by members of this committee to
19 the - - to - - to Don Raffaelli about changes,
20 and one that was not made but that he decided to
21 do himself was to - - to up the age for which
22 people could come in. You have to be - - You now
23 have to be at least 25 years old to come into the
24 tavern, and - - and this incident, somebody tried
25 to get in who - - who was - - who was - - didn't

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1 meet those requirements and started a scuffle.
2 And as the report indicates, the - - the security
3 people did try and diffuse the situation and - -
4 and - - and they - - they were certainly acting
5 appropriately.
6 As to the incident of - - of March 25,
7 2007 we - - I have appeared at meeting - - at a
8 meeting with the District Attorneys - - with the
9 District Attorney and - - and officers at the 3rd
10 District, who are conducting an exam - -
11 investigation in this matter. No charges have
12 been brought against Mr. Segal or anyone else.
13 Mr. Segal denies that - - that - - denies what
14 this report says he said to the officer. In
15 fact, he even said that the officer - - and told
16 the District Attorney, the officer who - - who
17 makes that statement really didn't even - -
18 wasn't the officer who was questioning him on the
19 night in question. We have been cooperating. We
20 met with the - - the District Attorney back in -
21 - in June, and they asked us to produce, and we
22 cooperated and made a full statement, and we - -
23 they asked us to produce some records that we
24 have - - we are in the process of getting
25 together, business records to either - - that we

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1 believe will corroborate the statements Mr. Segal
2 made to the police. The - - We expect to have
3 those records in the next ten days to two weeks,
4 I would say. Part of the problem that we've had
5 is that Mr. Raffaelli, who is the - - the owner
6 of the corporation, has been in - - in Italy for
7 the last three weeks and his plane landed at one
8 o'clock today in Chicago. He came right here to
9 participate in this meeting. He had taken his
10 daughter, who had graduated from college, along
11 with a friend of hers, and one of his sons, on a
12 trip to - - to Italy. And his - - where he - -
13 where his family lived before they came to the
14 United States. In the course of this matter when
15 the police came to the - - to the tavern, they
16 asked Mr. Segal, who was then the manager. He is
17 no longer the manager of Rickey's. That - - As
18 to the video system. He spent many hours working
19 with a detective who - - who was - - who said
20 they found - - they were able to identify - -
21 They got photographs and they - - or the pictures
22 he put together taking many hours, a videotape.
23 It's not - - It's not like a motion picture, the
24 way the system is set up, and they - - they - -
25 He's been - - They've been of help to the police

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1 in locating the people who - - who did the
2 shooting. Mr. Segal says he did not hear any
3 shots, contrary to what is stated in this - - in
4 this police report. We - - We are continuing to
5 cooperate, not only with Mr. Raffaelli gone, but
6 the District Attorney assigned to the case was
7 also gone for several weeks, and we were not able
8 to get this matter, get all of this done before
9 today. I had thought at one time that we would
10 come and - - and perhaps ask for an adjournment
11 today, because we don't have the results of that
12 yet. But I believe - - I mean, this is - - There
13 have been no charges, and we're - - we're ready
14 to - - We would proceed at this time.

15 THE APPLICANT: We have part of the
16 results, also. While I was gone, I was able to
17 get some of the results from the phone company.

18 ALDERMAN BAUMAN: I have no objection
19 to an adjournment.

20 MR. LERNER: Well, we're not asking - -

21 ALDERMAN BAUMAN: I think that would be
22 appropriate, since they're putting the issue the
23 - - whether or not Mr. Segal is going to be
24 charged with obstructing. And since they're
25 stating to out of court hearsay statements, what

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1 it is Mr. Segal did and didn't see. We've not
2 had the benefit of his testimony. Certainly, I
3 think we should put it off, since they're making
4 that a major issue in this case. It's
5 represented to you that he has not been charged,
6 so that can't be considered. Well, then we
7 should wait until the District Attorney has made
8 a final decision on that matter, and put this
9 over until September.

10 CHAIRMAN WITKOWIAK: Just let me see a
11 show of hands. Are there any - - Is there anyone
12 here from the neighborhood to testify relative to
13 2601 West State Street? Are you here to testify
14 in opposition or support, sir?

15 THE WITNESS: Support.

16 CHAIRMAN WITKOWIAK: Support, okay.
17 Yeah, we - - We could hold this matter at the
18 call of the chair, effectively if this license
19 were renewed, you would have to close for two
20 days, though. But it's your request. You know,
21 you'd have to be closed from the - - You expire
22 on the 23rd of September. Is that correct?

23 MR. LERNER: Well, that's a question I
24 have. If I may make an inquiry of you.

25 CHAIRMAN WITKOWIAK: Yes.

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1 MR. LERNER: The notice that he
2 received said - - said that the license was up
3 September 23rd. The license that was issued
4 after the - - There was a 30 day suspension last
5 year. The license that was issued and that's on
6 the wall at Rickey's says October 24th at - - at
7 the time started after the end of - - after the
8 30 day suspension. I don't know which is right.

9 MR. SCHRIMPF: That shouldn't have
10 happened, because you renew a license with the
11 suspension.

12 CHAIRMAN WITKOWIAK: So it was probably
13 a typo, because that suspension - -

14 MR. SCHRIMPF: Well, I don't know.
15 What does Ms. Barron say?

16 MS. BARRON: The records that we have
17 say September 23rd, so I don't know - - And this
18 is where the license prints out from. So I don't
19 know how that would have happened?

20 MR. SCHRIMPF: Okay.

21 MR. LERNER: Okay.

22 CHAIRMAN WITKOWIAK: So anyway, we can
23 - - We'll be glad to hold this matter over. But
24 just so you know, you'll have to close for two
25 days.

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1 THE APPLICANT: I have no problem with
2 that. I'd also like to make a statement.

3 CHAIRMAN WITKOWIAK: It's a Sunday and
4 a Monday, so.

5 THE APPLICANT: That's fine.

6 CHAIRMAN WITKOWIAK: Go ahead.

7 THE APPLICANT: The statement I was
8 going to make was that last year Alderman Bohl
9 had a number of suggestions. And we took all of
10 his suggestions, every single one of them, and we
11 added to his suggestions, such as closing on all
12 holidays, which we never did. And in our
13 business, holidays are a very big business.
14 Christmas Day evening is very big. Thanksgiving
15 Day evening is very big. New Year's Day evening
16 is very big. And we - - We took that upon
17 ourselves to close those days. And then we put
18 together a list for the committee, which we'll
19 present to you, of all the changes we made. We
20 made the changes with Officer Kupsic and Officer
21 King. It went to - - Met with them and sat down
22 at the 3rd District Station, made the changes,
23 and they approved them all. They also had - -
24 They also said to me, now be careful, because if
25 you're going to go to 25 years of age, what could

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1 happen is your business could go down
2 considerably. And he said you got to - - You've
3 got to just fight the urge to go down back to the
4 21 to get - - to get the business up. And you
5 can see by what happened that we didn't go back.
6 We stuck to 25. So we'll have all this stuff
7 prepared for you at the time, also, along with -
8 - also, along with some witnesses who were there
9 the evening that Mr. Segal is accused of not
10 telling the truth, based on witnesses who were
11 there that evening, who were on the premise, who
12 were working, and can corroborate his story.

13 CHAIRMAN WITKOWIAK: Alderman Witkowski
14 moves to hold this matter at the call of the
15 chair?

16 ALDERMAN BAUMAN: Mr. Chair, real
17 briefly.

18 CHAIRMAN WITKOWIAK: Yes, Alderman
19 Bauman

20 ALDERMAN BAUMAN: I just want to alert
21 the committee I fully intend to ask for
22 nonrenewal of this license like I did the last
23 time after an extensive police record. The
24 committee saw fit to give 30 days, and I
25 certainly respected that decision. Now we're

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1 back to reopen in late October. Within two weeks
2 there's a big fight. Within three months of that
3 there's a shootout within - - inside the
4 premises, inside the premises where two people
5 are, in fact, shot. And the police are basically
6 given the runaround, which we will hear when the
7 Sergeant to my left testifies as to precisely
8 what took place. So that basically the crime
9 scene couldn't be secured. And that's when
10 they've only been open since October. So this is
11 a establishment that has demonstrated time and
12 time again that they cannot conduct business in a
13 safe, reasonable manner consistent with the
14 health, safety and welfare of the public. So I
15 will again be requesting nonrenewal.

16 CHAIRMAN WITKOWIAK: Motion by Alderman
17 Witkowski is to hold this matter to the call of
18 the chair. Is - - Are there any objections to
19 that motion? Hearing none, so ordered. We'll
20 see you back here in September.

21 THE APPLICANT: We'll close - - We'll
22 close those dates.

23 MR. LERNER: Do you know what the date
24 will be?

25 CHAIRMAN WITKOWIAK: What's the date

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1 for the license meeting?
2 MR. SCHRIMPF: Oh, yeah.
3 CHAIRMAN WITKOWIAK: September 11th?
4 MR. SCHRIMPF: Nine-one-one.
5 CHAIRMAN WITKOWIAK: 9/11. We don't
6 know - - We don't know what time.
7 MR. LERNER: I suspect there will be a
8 lot of people here, and so, I don't know.
9 CHAIRMAN WITKOWIAK: Two or three.
10 MR. SCHRIMPF: Maybe - - Maybe the
11 license division wants to take that into account
12 for the schedule that day.
13 ALDERMAN WADE: Yeah, she said
14 afternoon meeting.
15 CHAIRMAN WITKOWIAK: Yeah, it will be
16 in the afternoon.
17 MR. LERNER: Okay. Thank you.
18 CHAIRMAN WITKOWIAK: Okay. 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 was transcribed under my direction for the
11 license of, RICKEY'S ON STATE, that came before the
12 Licenses Committee.

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JEAN M. BARINA

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Court Reporter

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22 Dated this day of September, 2007.

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