

December 9, 2008

Thank you for the opportunity to provide input in the discussion regarding how the city hears licensing renewals for Class B liquor licenses. As a fourteen year veteran holding several licenses, I have been witness to, or participated in, the hearing of dozens of renewals from mini marts to night clubs to a couple of my own properties.

I would like to preface my comments with the statement that I strongly believe in the process and feel it is absolutely necessary to be vigilant in ensuring that holders of these licenses act responsibly and are accountable for their actions. As the owner of several taverns and restaurants in Milwaukee, I take pride in ensuring the safety of my employees, my customers, and my neighbors through acting responsibly.

As I contemplate the desire to make the system work more efficiently and more effectively, I reflect upon these past experiences. I think the largest problem is with an adherence to some set of procedural rules for the committee itself. Hearings tend to stray off topic, contain irrelevant testimony, and usually run over. The scope of commentary by the committee as well as testimony of participants often seems undefined.

The roles of committee members can seem nebulous as well. Oftentimes, members are visibly distracted, not listening, or excuse themselves mid-stream. The decorum in general is very inconsistent and loose from joking with participants to hand-of-God admonishments or random monologues about everything from architectural style to the economy and culture. I have also consistently witnessed the allowance of irrelevant testimony, baseless accusations, and anecdotal evidence by complainants that have gone unchecked by the committee or the City Attorney.

Aside from procedural decorum issues, there seems to be a need for some type of vetting process for complainants and their statements. In order to save time, money, and the energy of the committee members, there absolutely must be a procedural review for citizens who intend to come to committee with their complaints. This would better serve the process, protect the taxpayers, and provide fairness to license holders.

My suggestion is to provide a standard form for review that must be approved by the committee prior to setting a hearing. Items to include: proof of residence, proof there is a real problem, (more than one complainant), a mechanism to prevent repeated annual visits if rulings have been made in favor of license holders (unless there is a *new problem*), and an affidavit to fill out demonstrating intent to attend the hearing.

This form could prevent much of what is currently bogging down the system and inconveniencing everyone from committee members, licensees, and witnesses. Oftentimes, there is little more than a personal dispute that can be resolved by other means. I know first hand, that occasionally the complainant does not attend the hearing and everyone is told they can leave.



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It is that license holders deserve a better notification (legal representation) are not allowed and absence from the hearing jeopardizes a renewal, the current notification process is completely unfair. A form letter arrives just a few days prior to a hearing date announcing mandatory attendance. If a license holder is out of town or on vacation, that could be disastrous.

Furthermore, the notice itself is vague and does not provide much of the information a license holder needs. It does not describe in the complaint in exact detail or who is making the complaint. The verbiage of this notification letter is offensive in its broad strokes-- suggesting that a license-holder is responsible for acts ranging from public urination to destruction of property-- even if that has nothing to do with the complaint.

The Task Force should also focus on ways to implement a consistent set of suspensions and revocations. I do realize that much of what the committee is forced to decide is subjective, but I have seen such wild vacillations in sentencing that it has cast a shadow on the credibility of the committee to be able to make good judgments.

Yes, license holders absolutely must be held responsible, but so too, should the committee be expected to act responsibly. For many of these small business owners, this license is their livelihood-- losing it, even for a two-month suspension, could be a death blow. Inconsistent judgments that can seem arbitrary-- based on everything from the mood of a committee member to the license holders' inability to communicate well in English-- need to come to an end. There simply must be a detailed guideline for irresponsible use of beverage licenses.

Again, I would like to thank you for the opportunity to express concerns with the system. I hope my comments help in some way and would be happy to offer follow up if need be. In my opinion, this review is long overdue. Best of luck to you and the task force.

Sincerely,

Mike Eitel
Diablos Rojos Restaurant Group