

Page 1

## CITY OF MILWAUKEE

## UTILITIES &amp; LICENSES COMMITTEE

In the Matter of:

Special Letter for "Wayne's on Appleton, Inc."  
7964 W. Appleton Avenue  
Milwaukee, Wisconsin

Applicant: DeWAYNE J. QUINN

## COMMITTEE MEMBERS

ALD. JEFFREY PAWLINSKI - Chairman  
ALD. TERRANCE HERRON - Vice-Chairman  
ALD. JAMES BOHL  
ALD. ROSA CAMERON-ROLLI  
ALD. ANGEL SANCHEZ

LICENSING DIVISION by LEO WAGNER  
NEIGHBORHOOD SERVICES by PENDORA BENDER  
HEALTH DEPARTMENT by PAUL ZEMKE  
POLICE DEPARTMENT by SERGEANT PAUL HOGAN  
OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

Proceedings had and testimony given in  
the above-entitled matter, before the UTILITIES &  
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE, on  
the 30th day of May, 2000.

Page 2

## P R O C E E D I N G S

CHAIRMAN PAWLINSKI: In the 2nd  
Aldermanic District - - Oh, I'm sorry. We're  
staying in the 5th. In the 5th Aldermanic  
District, DeWayne J. Quinn, Agent for "Wayne's on  
Appleton, Inc." Class "B" Tavern and Tavern Dance  
renewal application for "Wayne's on Appleton" at  
7964 West Appleton Avenue.

Good morning, sir. If you could just  
raise your right hand, please?

Do you solemnly swear to tell the  
truth, the whole truth, and nothing but the  
truth, so help you God?

THE APPLICANT: Yes.

CHAIRMAN PAWLINSKI: And you  
acknowledge receipt of this - - of this notice of  
this meeting with the possibility that your  
license may be denied due to an objection within  
the police report and neighborhood objections, as  
well?

THE APPLICANT: Yes.

CHAIRMAN PAWLINSKI: Thank you, sir.

Okay, Health Department?

HEALTH DEPARTMENT: Health Department  
has no objection.

Page 3

CHAIRMAN PAWLINSKI: Neighborhood  
Services?

NEIGHBORHOOD SERVICES: No objection.

CHAIRMAN PAWLINSKI: Milwaukee Police  
Department?

SERGEANT HOGAN: No recommendation.  
Investigation indicates that since the license  
was last granted that on June the 4th, 1999  
officers responded to a battery complaint there.  
Found an extremely intoxicated woman who had  
slapped another patron. There is an incident  
report only.

On July the 21st, 1999 officers  
responded to an anonymous complaint of a subject  
with a gun. Officers were unable to locate  
anyone with a gun. That is an incident report  
only.

On September the 1st, 1999 officers  
were dispatched by an anonymous complainant to  
check for underage drinkers. Officers were  
unable to locate any underage patrons. Incident  
report only.

On March the 3rd, 2000 officers from  
the Vice Control Division Gambling Unit were sent  
regarding possible gambling machines and illegal

Page 4

lottery tickets. Three video gambling machines  
were located on the premises, as were a large  
quantity of illegal lottery tickets, which were  
offered for sale. There was a citation for  
gambling place issued to the licensee, the  
finding of guilty and a fine paid.

On March the 12th, 2000 officers  
conducted a tavern check and found ten underage  
persons inside the tavern. The licensee was  
issued a citation for presence of underage and  
there was a finding of guilty and a fine imposed.

On March the 25th of 2000 officers  
conducting a tavern check found four underage  
persons inside the tavern. All those subjects  
were issued citations. The licensee was on the  
scene and stated that he checked everyone that  
came in and that they had an ID. He was issued  
citations for presence of underage. Those were  
not issued by the City Attorney's office.

MR. SCHRIMPF: Mr. Chairman.

CHAIRMAN PAWLINSKI: Go ahead, Mr.  
Schrumpf.

MR. SCHRIMPF: Thank you. First of  
all, with respect to the item number 13, when was  
that fine paid? When was the adjudication

Page 5

1 anyway, the gambling device?

2 SERGEANT HOGAN: May the 3rd.

3 MR. SCHRIMPF: And how much was the  
4 fine?

5 SERGEANT HOGAN: Two hundred dollars.

6 MR. SCHRIMPF: And I take it, that was  
7 a city citation.

8 SERGEANT HOGAN: Yes.

9 MR. SCHRIMPF: On item number 14, when  
10 was that adjudication?

11 SERGEANT HOGAN: May the 19th.

12 MR. SCHRIMPF: And the fine was?

13 SERGEANT HOGAN: 346 dollars.

14 MR. SCHRIMPF: And how many underage  
15 persons was he found guilty with? Because you  
16 said there were ten on the incident. But he was  
17 found guilty of one?

18 SERGEANT HOGAN: One.

19 MR. SCHRIMPF: And then on the 15th,  
20 both those charges were not issued by the City  
21 Attorney's office?

22 SERGEANT HOGAN: That is correct.

23 MR. SCHRIMPF: And was that as a result  
24 of a plea bargain?

25 SERGEANT HOGAN: It does not indicate

Page 6

1 on the court records.

2 MR. SCHRIMPF: Okay. But you said that  
3 there were underage citations issued to the  
4 customers?

5 SERGEANT HOGAN: All four underage  
6 persons were cited for presence of underage.

7 MR. SCHRIMPF: Did they go to a guilty  
8 finding?

9 SERGEANT HOGAN: We don't know the  
10 status of what the underage individuals --

11 MR. SCHRIMPF: Thank you. That's all I  
12 have, Mr. Chairman.

13 CHAIRMAN PAWLINSKI: I notice an  
14 appearance by Mr. Quinn's attorney.

15 MR. BISHOP: Attorney Michael Bishop.  
16 Thank you, Chairman.

17 CHAIRMAN PAWLINSKI: Go ahead, Mr.  
18 Bishop.

19 MR. BISHOP: I think we need to focus  
20 on the fact that this license was granted on  
21 5/18/99, and if we look at incidents ten, 11, and  
22 12, two of them, there were no verification of  
23 any of the anonymous tips. Concerning the first  
24 one, it was an incident where a drunken woman had  
25 slapped a man, and the man had left, and the

Page 7

1 tavern took the appropriate action in dealing  
2 with someone who was unruly.

3 In terms of the gambling place charge.  
4 My client accepted responsibility and paid a  
5 fine. That was at a time when the law was being  
6 changed, and there was a lot of confusion  
7 concerning the legality of these machines. And  
8 at that particular time distributors had begun to  
9 put these machines back into the taverns. I  
10 believe there is supposed to be some  
11 clarification with the city ordinance in  
12 conjunction with the state law, so that hopefully  
13 these matters will be cleared up. He does not  
14 have those machines on there -- in the premise  
15 anymore, and he accepted responsibility for that.

16 In terms of incident 14, Mr. Quinn has  
17 -- has accepted responsibility for that and paid  
18 a fine. What has happened here is he originally  
19 had a doorman who would check all of the IDs.  
20 For approximately the last seven or eight months  
21 he has not had that. He has hired somebody, so  
22 that that does not become a problem. I'd just  
23 like to point out that these are not tickets for  
24 sale to underage, but they were tickets for  
25 presence of underage. And he's mindful of that

Page 8

1 fact.

2 The second thing, and Alderman Bohl, I  
3 believe, will address this, but there were --  
4 this tavern's been in existence, Mr. Quinn has  
5 had this tavern for 17 years. The tavern's been  
6 there for 50 years. There has been some problems  
7 with the neighborhood, and in this particular  
8 incident there was a letter addressed to Alderman  
9 Bohl. To my understanding, then Alderman Bohl  
10 came out and met with my client, and they had a  
11 discussion, and Alderman Bohl had suggested that  
12 there were some concerns about the alleyway  
13 that's behind the premises, and that there was  
14 traffic going through there, and it -- it  
15 borders a residential neighborhood with children.  
16 Toward that end Alderman Bohl had suggested,  
17 perhaps, putting in a fence, which was something  
18 that was done at another business, I believe, on  
19 the other side of the block. And Mr. Quinn has  
20 done that. I have, and I showed to Alderman  
21 Bohl, the fence that blocks the alleyway. He  
22 posted 2,000 dollars, the total cost is 4,000  
23 dollars, and the job would be done in about four  
24 to six weeks, weather permitting. And we have  
25 that contract, and I did show that to Alderman

Page 9

Page 11

1 Bohl. Toward that end I would ask that there be  
2 a renewal despite the police objection, and I  
3 would also reserve the right depending upon what  
4 the neighborhood objection is to address that.  
5 Thank you.

6 CHAIRMAN PAWLINSKI: Thank you, Mr.  
7 Bishop. I know that Judy Keller is here. We  
8 know Judy, because she's the Director of the  
9 Greater Mitchell Street Association. She's a  
10 neighbor. I'll give her a chance to testify in a  
11 minute, as well as Alderman Bohl. But I want to  
12 give the committee members an opportunity to ask  
13 Mr. Bishop or Mr. Quinn any questions, if there  
14 are any.

15 ALDERMAN BOHL: Mr. Chairman. Pardon  
16 me. I don't know if you - - you swore in the  
17 witnesses yet at this point.

18 CHAIRMAN PAWLINSKI: I did.

19 ALDERMAN BOHL: You did, okay.

20 CHAIRMAN PAWLINSKI: I did.

21 MS. KELLER: I didn't swear in.

22 CHAIRMAN PAWLINSKI: I didn't swear  
23 Judy in? I'm sorry. My fault. Judy, go ahead.

24 Do you solemnly swear to tell the  
25 truth, the whole truth, and nothing but the

1 indicates that he's to pull the permit. He's  
2 responsible for the permit.

3 ALDERWOMAN CAMERON-ROLLINS: Who to  
4 pull it? Who?

5 MR. BISHOP: My client. To get the  
6 permit from the Neighborhood Services to be able  
7 to put the fence up.

8 ALDERWOMAN CAMERON-ROLLINS: 4,000  
9 dollars, they should buy - - they should pull the  
10 permit themselves. I'm not going to pay 4,000  
11 dollars and then have to do all the leg work  
12 myself. I got a fence up and they pulled my  
13 permit. But I guess that's in terms of his  
14 agreement. But I do have a question.

15 CHAIRMAN PAWLINSKI: Go ahead,  
16 Alderwoman.

17 ALDERWOMAN CAMERON-ROLLINS: The  
18 question is that I'm - - I'm just kind of amazed  
19 that at these numbers of violations of underage  
20 he has in his establishment. That - - That kind  
21 of sends up a red flag to me. Three offense in  
22 one year kind of, you know, was it - - Yes, it's  
23 three - - three.

24 MR. BISHOP: It's actually two. One,  
25 there was an anonymous call, and there was no

Page 10

Page 12

1 truth, so help you God?

2 MS. KELLER: I do.

3 CHAIRMAN PAWLINSKI: Thank you. Okay.  
4 Sorry about that. Questions by committee members  
5 of Mr. Bishop or Mr. Quinn. Alderwoman, do you  
6 have a question?

7 ALDERWOMAN CAMERON-ROLLINS: No, this -  
8 - She did.

9 MS. BENDER: I wanted to ask a question  
10 in regards to the fence. Did you take out a  
11 permit for that fence?

12 MR. BISHOP: As a matter of fact, what  
13 had happened is I had sent Mr. Quinn down to take  
14 out a permit prior to having the estimate from  
15 the fence company. He was told that he needed to  
16 have the document for the estimate for the fence  
17 to be able to get the permit. So he couldn't get  
18 the permit, because of the holiday weekend. The  
19 person was able to come out on Friday or - -  
20 yeah, Friday to do the estimate. He hasn't been  
21 able to get the permit, but it is his intention  
22 to immediately go down to and pull a permit to be  
23 able to put the fence up. You don't put 2,000  
24 dollars down on a fence and then decide not to  
25 pull a permit. And part of the contract

1 verification of the underage, Alderwoman - -  
2 Alderwoman.

3 ALDERWOMAN CAMERON-ROLLINS: The two.

4 MR. BISHOP: The - - The last one there  
5 was no issuance by the City Attorney's office.  
6 So we're focussing on the 14th, although we're  
7 mindful of the fact that an incident did occur  
8 with number 15.

9 ALDERWOMAN CAMERON-ROLLINS: Yeah, but  
10 not - - I know when once we call as a community  
11 activist, we know that that's what occurred.  
12 Because the police didn't give a ticket, the City  
13 Attorney didn't give a ticket, it still sends up  
14 a red flag that he has a lot of young peoples in  
15 his and around his business, which I'm quite sure  
16 Alderman - - I'll wait for Alderman Bohl's  
17 comments to see what he has recommended to his  
18 person in his district, but it does send up a red  
19 flag, and I want him to be aware that that is  
20 something that the community, and we look at, is  
21 some consequences of him not receiving his  
22 renewal. So I'm going to wait to hear from Mr.  
23 Bohl - - I'm saying consequences, I didn't say he  
24 was going to lose - - consequences.

25 CHAIRMAN PAWLINSKI: Mr. Schrimpf, go

Page 13

Page 15

1 ahead, please.

2 MR. SCHRIMPF: Thank you, Mr. Chairman.  
3 Just so that it's clear for the committee that  
4 the status of this one is he has, in effect, one  
5 underage.

6 ALDERWOMAN CAMERON-ROLLINS: I know  
7 it's one.

8 MR. SCHRIMPF: Right.

9 ALDERWOMAN CAMERON-ROLLINS: But I'm  
10 just saying the numbers of time indicated sends  
11 up a red flag.

12 MR. BISHOP: And I agree. And I think  
13 that I just want to be mindful of the fact that  
14 there's a difference between sale and presence,  
15 and - - and as I indicated, Mr. Quinn is very  
16 mindful of this obligation. And toward that end,  
17 he has specifically hired someone to, in effect,  
18 monitor the door, so that this type of incident  
19 does not occur, so that underage people do not  
20 get in to the bar.

21 ALDERWOMAN CAMERON-ROLLINS: Well, do  
22 he have something inside that attracts young - -

23 MR. BISHOP: No, I just think that its  
24 being in the neighborhood where it is. No, there  
25 isn't anything that would - - would necessarily

1 time, as I said, the law was in flux. They  
2 didn't know if the machines were legal or  
3 illegal, and the distributors were coming back  
4 and they advised Mr. Quinn, despite the fact that  
5 there - - there was a past incident, had advised  
6 him that they were legal, and that with the law  
7 pending and making it five machines or less in a  
8 tavern resulted in a fine, there was some  
9 confusion as to whether or not these were still  
10 illegal or it was just a fine. And now it's - -  
11 it's fairly clear, I believe, the city's position  
12 is that these are contraband. But they weren't  
13 at that particular time, and a distributor was  
14 indicating to him that he could have these here.

15 CHAIRMAN PAWLINSKI: Well, they were  
16 contraband, except that someone from a  
17 distributor told him that they weren't.

18 MR. BISHOP: Correct.

19 CHAIRMAN PAWLINSKI: All right. I want  
20 to be clear so the committee understands that.

21 ALDERMAN HERRON: Mr. Chairman.

22 CHAIRMAN PAWLINSKI: Alderman Herron,  
23 go ahead.

24 ALDERMAN HERRON: Were the lottery  
25 tickets - - Was there confusion about the lottery

Page 14

Page 16

1 attract that type of clientele.

2 CHAIRMAN PAWLINSKI: Any other  
3 questions?

4 ALDERWOMAN CAMERON-ROLLINS: Okay.

5 CHAIRMAN PAWLINSKI: Go ahead. Any  
6 other questions by committee members?

7 ALDERMAN SANCHEZ: Mr. Chair.

8 CHAIRMAN PAWLINSKI: Go ahead, Alderman  
9 Sanchez.

10 ALDERMAN SANCHEZ: Mr. Quinn, if you  
11 could answer me, please. Regarding the gambling,  
12 in '97 you were issued a warning, okay. And then  
13 in 10/97 you were issued - - you were found  
14 guilty of gambling. And then in January of this  
15 year, again, with these gambling machines, each  
16 incident there was found three machines on  
17 gambling. So you went from a warning, to a  
18 felony, to now, again, having machines inside  
19 your premises. How do you answer that?

20 THE APPLICANT: I was - - I was told  
21 they were legal. They're - - And it's just a  
22 misdemeanor now.

23 MR. BISHOP: Part of the problem, and I  
24 had dealt with Mr. Quinn, and I appreciate the  
25 question, is that the - - the distributors at the

1 tickets, as well?

2 THE APPLICANT: Yeah, they told me they  
3 were legal, who sold them to me, the guys that  
4 sold them to me.

5 ALDERMAN HERRON: Was that the same  
6 company that sold you the machines?

7 THE APPLICANT: No. No. That's  
8 different guys.

9 CHAIRMAN PAWLINSKI: Mr. Quinn, why  
10 wouldn't you have checked with somebody? Why  
11 would - - I mean, why would you just take the  
12 word of somebody who was a distributor, who is  
13 obviously trying to make - - make a dollar there,  
14 why wouldn't you call and - - and do some  
15 investigation on your own to figure this out? I  
16 mean, you know, you obviously had a situation  
17 which is a recurring problem?

18 THE APPLICANT: That probably was my  
19 fault, not calling, but every - - every bar in my  
20 neighborhood's got - - got the machines. So I  
21 - - I figured it was okay. And a lot of them got  
22 picked up, too, before. You know. And they had  
23 them back in there.

24 MR. SCHRIMPF: Well, Mis - - Mr.  
25 Chairman, I think there's some confusion here,

Page 17

Page 19

1 because the answer was in terms of machines, but  
2 I believe the question was in terms of tickets,  
3 lottery tickets.

4 CHAIRMAN PAWLINSKI: Well, my question  
5 was for both, actually, because both are illegal  
6 and, you know -- you know, I -- you know, I  
7 always error on the side of caution in those  
8 situations, you know, you -- If you're not sure  
9 it's 65 miles an hour, you probably should do 55  
10 just to be sure that you're not ten over is my  
11 point. Okay, any other questions of Mr. Quinn.  
12 If not, go ahead, Alderman Bohl.

13 ALDERMAN BOHL: Thank you, Mr.  
14 Chairman. I met with Mr. Quinn. I had some  
15 neighborhood concerns, even in the course of  
16 campaigning, about Mr. Quinn's establishment.  
17 Among the concerns were -- were noise in the  
18 past. Other situations involve the -- the open  
19 alleyway in which there were -- there were cars,  
20 oftentimes with individuals who may be  
21 inebriated, were driving through the alleyway at  
22 times at high rates of speed. I -- I went out  
23 to Mis -- to meet Mr. Quinn. I relayed some of  
24 the concerns that I had regarding that, and I  
25 made a request to him for a fence in the back of

Page 18

Page 20

1 the alleyway, and he has -- he has obliged that.

2 I do have a number of concerns with re  
3 -- with regards to the establishment. I feel  
4 that at times Mr. Quinn has been very arrogant in  
5 his relationship with the -- the neighborhood,  
6 at times has -- has been very standoffish with  
7 regards to neighbors' concerns. I -- I, as  
8 well, have had severe concerns with regards to  
9 -- to three incidents of -- of gambling in his  
10 establishment. Prior to -- to hearing from his  
11 attorney last week I was prepared to recommend a  
12 -- quite a severe suspension, but because Mr.  
13 Quinn has moved forward with -- with the fence  
14 and has taken some measures to insure that --  
15 that there will not be individuals underage in  
16 his establishment in the future, I -- I would  
17 still continue as a warning to suggest and  
18 recommend to the committee a suspension of ten  
19 days along with the renewal.

20 CHAIRMAN PAWLINSKI: Let's hear from  
21 Judy Keller. Judy is a neighbor. Go ahead, Ms.  
22 Keller.

23 MS. KELLER: I live at 7809 West  
24 Beckett Avenue, and I've lived there for 12  
25 years, and so my backyard backs up to the alley

1 that goes north to Mr. Quinn's establishment.  
2 And I have not been a thorn in his side over the  
3 years. I've been -- I feel, pretty  
4 accommodating.

5 I'm -- I'm very fond of my neighbors  
6 and my neighborhood, and I know some neighbors  
7 that I -- I like a lot with many little kids are  
8 moving, and part of their decision to do that was  
9 because of the establishment. It was my  
10 suggestion that he contain his clientele so they  
11 leave by way of Appleton Avenue rather than the  
12 alley, because I felt it was -- they felt they  
13 could filter out through the neighborhood easier  
14 after drinking than -- than going on the main  
15 thoroughfare. And even though I'm not a wimp  
16 myself, but after -- after work if I go change  
17 and I'm in shorts, weeding in the backyard or  
18 something, it's pretty unnerving to have some  
19 inebriated clientele go on a sightseeing tour  
20 down the alley and stop the car and gawk at you.  
21 I just don't like it.

22 The kids ride their bikes up and down  
23 the alley. They come and visit me so they can  
24 play in the backyard with my dog. I just don't  
25 think it's safe. So as long as he is going to

1 contain his clientele, and I -- and I hope he  
2 works on the noise issue, and I -- I don't mean  
3 ongoing noise, I mean taking, you know, emptying  
4 out garbage cans full of bottles at like ten p.m.  
5 where it makes big crashing -- that it's almost  
6 worse than an ongoing noise. I -- I would be  
7 -- I would be satisfied.

8 CHAIRMAN PAWLINSKI: Ms. Keller, you  
9 wrote a letter to this committee. I know each  
10 committee member has it. Mr. Bishop, do you have  
11 a copy of that letter?

12 MR. BISHOP: I believe it was -- It's  
13 the May 13th?

14 CHAIRMAN PAWLINSKI: Yes. That's  
15 correct.

16 MR. BISHOP: Yes.

17 CHAIRMAN PAWLINSKI: I just want to  
18 make sure. Any questions by committee members of  
19 Ms. Keller or Alderman Bohl?

20 MR. SCHRIMPF: Mr. Chairman.

21 CHAIRMAN PAWLINSKI: Go ahead, Alderman  
22 -- or Mr. Schrimpf.

23 MR. SCHRIMPF: Thank you. Of Ms.  
24 Keller, how many times -- I'm -- I'm directing  
25 myself to the second paragraph in your letter?

Page 21

Page 23

1 MS. KELLER: I don't have - - I don't  
2 have my letter.

3 MR. SCHRIMPF: It says, "Late  
4 afternoons one can view persons who are  
5 absolutely drunk and incapacitated coming out of  
6 Wayne's. That makes me wonder how these  
7 individuals are able to defy gravity and not fall  
8 down."

9 MS. KELLER: Yes, it does make me  
10 wonder.

11 MR. SCHRIMPF: Okay. How many times on  
12 a weekly basis or a monthly basis do you see  
13 individuals leaving the tavern? I take it, when  
14 they're leaving, they're going through the  
15 alleyway. That's why you're able to see them?

16 MS. KELLER: Right. And I can't - - I  
17 can't say on a weekly basis. It's more on a  
18 seasonal basis, that I'm outside in the - - in  
19 the warm weather, not the winter weather.

20 MR. SCHRIMPF: So you see this  
21 generally in the warmer months?

22 MS. KELLER: Right.

23 MR. SCHRIMPF: And that's because in  
24 the late afternoons you might be working in your  
25 yard and - -

1 MR. SCHRIMPF: That's all I have.

2 CHAIRMAN PAWLINSKI: Thank you, Mr.  
3 Schrimpf. Ms. Keller, have you called the  
4 Milwaukee Police Department when you've seen  
5 these situations occur? Have you taken the - -

6 MS. KELLER: Well, the individual who  
7 couldn't start his car was not a problem. And if  
8 they're driving down the alley and they decide to  
9 gawk at me or - - I don't know if that's a crime  
10 or not. I just think it's rude. I mean, they're  
11 - - his - - the clientele, they don't know how to  
12 behave themselves.

13 CHAIRMAN PAWLINSKI: Um-hnh. I guess  
14 I'm referring to, you know, in the second from  
15 last paragraph, your last sentence, you've seen  
16 displays of drunkenness.

17 MS. KELLER: I've had drunken  
18 individuals who probably chose not to drive or  
19 maybe someone did take their keys, who stumbled  
20 down the alley and are walking home or walking  
21 somewhere past me.

22 CHAIRMAN PAWLINSKI: Okay.

23 MS. KELLER: That - - I don't know if  
24 that's illegal.

25 CHAIRMAN PAWLINSKI: I just - - No, I

Page 22

Page 24

1 MS. KELLER: Or walking the dog or  
2 talking to the neighbors or - -

3 MR. SCHRIMPF: Okay. And - - But you  
4 can't identify it on a weekly basis or a - - or a  
5 monthly basis that you see people that you  
6 believe are intoxicated?

7 MS. KELLER: If you would want me to  
8 keep track of that for future reference, I could  
9 do that, but I - - I couldn't say, give you a  
10 number right now.

11 MR. SCHRIMPF: Okay. Have you ever  
12 seen individuals get in their cars and not drive  
13 the car?

14 MS. KELLER: I've seen an individual  
15 get in his car, not be able to figure out how to  
16 start the car with his key.

17 MR. SCHRIMPF: Really?

18 MS. KELLER: Yes.

19 MR. SCHRIMPF: And how frequently have  
20 you observed that?

21 MS. KELLER: I only saw that once, just  
22 recently.

23 MR. SCHRIMPF: Okay.

24 CHAIRMAN PAWLINSKI: Ms. Keller, have  
25 you called Milwaukee - -

1 just - - I guess my question was as  
2 straightforward as it could be, is if you've  
3 called the Police Department when you've seen  
4 situations that have concerned you regarding the  
5 tavern. I just - - Have you - -

6 MS. KELLER: No.

7 CHAIRMAN PAWLINSKI: Okay.

8 MS. KELLER: No, because I didn't think  
9 in those situations there's something that - -  
10 that can be done.

11 CHAIRMAN PAWLINSKI: Okay. Mr.  
12 Schrimpf, if you could just remind the committee  
13 again, I think it's probably a good idea to do  
14 this every so often, about the fact that the  
15 previous committee during the last cycle did  
16 grant this license on the 18th of May. That was  
17 last year, 1999. There have been incidents  
18 since. What is our responsibility, our charge,  
19 as it relates to incidents that happened prior to  
20 the issuance of the license last year? For  
21 example, we're talking about the incident that  
22 happened in September of '98 and going backwards.

23 MR. SCHRIMPF: Basically, what the  
24 committee is looking for at this juncture is to  
25 see if there is any kind of a pattern of conduct

Page 25

Page 27

1 that has repeated itself in the previous years  
2 and down to the present time, notwithstanding  
3 warnings that may have been given or the fact  
4 that the individual is called before the  
5 committee, which - -

6 CHAIRMAN PAWLINSKI: Um-hnh.

7 MR. SCHRIMPF: You understand that  
8 unless there is something to call the individual  
9 before the committee, the committee basically  
10 - - or the - - what's going to happen is that on  
11 a renewal the individual will simply be renewed.  
12 There's got to be a reason to bring the person  
13 here.

14 CHAIRMAN PAWLINSKI: Right. I  
15 understand. Okay. So you're saying we're  
16 allowed to use that information - -

17 MR. SCHRIMPF: You certainly can.

18 CHAIRMAN PAWLINSKI: - - to the best of  
19 our ability.

20 MR. SCHRIMPF: Right.

21 CHAIRMAN PAWLINSKI: Okay. Any  
22 questions by committee members of any of the  
23 individuals testifying?

24 MR. BISHOP: I'd just like to ask, if I  
25 may, Chairman.

1 MR. BISHOP: Correct. That would be a  
2 walk-out gate.

3 MS. KELLER: Except for - - All right.  
4 A walk-out gate?

5 THE APPLICANT: Yeah. For the big  
6 trucks, too, for beer.

7 MS. KELLER: Who would - - Who would  
8 walk out that gate?

9 MR. BISHOP: Well, it would be so that  
10 there could be an exit for Mr. Quinn to be able  
11 to leave the tavern, leave the premises.

12 MS. KELLER: But his patrons couldn't  
13 walk out the gate.

14 MR. BISHOP: Correct. That's the  
15 purpose of - -

16 MS. KELLER: So it would be - - Okay.

17 MR. BISHOP: - - the fence.

18 MS. KELLER: All right.

19 CHAIRMAN PAWLINSKI: Alderwoman, go  
20 ahead. Do you have a question?

21 ALDERWOMAN CAMERON-ROLLINS: I had a  
22 question and - - before I had, I - - I had it on  
23 the tip of my tongue until I got to kind of  
24 browse and think of what I was going to say. But  
25 I have one question to him or to you. How will

Page 26

Page 28

1 CHAIRMAN PAWLINSKI: Mr. Bishop, go  
2 ahead.

3 MR. BISHOP: Is it Mrs. Keller or Miss  
4 Keller?

5 MS. KELLER: Ms.

6 MR. BISHOP: Okay, Ms. Keller. You had  
7 indicated that your main concern in terms of your  
8 property was that there be a fence, essentially  
9 blocking the alley and - - and not allowing cars  
10 to leave the bar parking lot to get out there. I  
11 did show you a copy of the fence, and that does  
12 buttress the alley there. Is that correct?

13 MS. KELLER: Yes.

14 MR. BISHOP: And if that fence is put  
15 in, that will alleviate a large number of your  
16 concerns that you have - -

17 MS. KELLER: I believe it would.

18 MR. BISHOP: - - concerning the  
19 premises.

20 MS. KELLER: Except, could I just ask  
21 you back, I think I saw something that looked  
22 like a gate.

23 MR. BISHOP: Correct.

24 MS. KELLER: Would that gate remain  
25 closed and locked?

1 the fence protect her concerns? Is he fencing  
2 her yard or what? Because she's saying that the  
3 peoples coming out of the tavern are walking  
4 through the alley, making nasty eye suggestions  
5 with her along with body, probably, language and  
6 everything else.

7 MR. BISHOP: The fence, madam,  
8 Alderwoman, would be put up so that they would be  
9 exiting, not through the alley, with their  
10 vehicles. And I think the concern was the  
11 vehicle traffic that goes through to exit from  
12 the parking lot. The parking lot would now be  
13 fenced off to preclude vehicles of patrons from  
14 exiting to the alleyway. They would be exiting  
15 onto Appleton.

16 ALDERWOMAN CAMERON-ROLLINS: Okay.  
17 Okay. That would cut down - - Okay. Did he also  
18 going to be able to address her concern about  
19 emptying the garbage out at ten o'clock?

20 MR. BISHOP: Well, this was a concern  
21 that had come up in '97, and I - - I - - It was  
22 my understanding - - or '96, that this had been  
23 addressed. It's the recyclables. And  
24 originally, what the neighbors had proposed was  
25 that it not be done at 2:30 in the morning when

Page 29

1 the - - when they had normally cleaned the bar  
2 and put the recyclable bottles into the  
3 receptacle. They had indicated, please do it  
4 before ten o'clock. And now, we're having  
5 complaints about doing it at ten o'clock or  
6 10:30. So I will advise my client, and based  
7 upon this information, that he should do that  
8 when he opens up in the morning as opposed to  
9 when he closes at night.

10 ALDERWOMAN CAMERON-ROLLINS: Oh, okay.

11 MR. BISHOP: And I think that situation  
12 can be easily remedied.

13 ALDERWOMAN CAMERON-ROLLINS: It makes  
14 more sense.

15 MR. BISHOP: Yes.

16 CHAIRMAN PAWLINSKI: I just want to ask  
17 one last question, Mr. Bishop, for clarification.  
18 Item number 15, regarding the incident that took  
19 place on March 25th, pending court appearance on  
20 5/19. If you could just tell me again, what was  
21 the disposition of that?

22 MR. BISHOP: Those were dismissed, not  
23 issued by the City Attorney's office, Alderman.

24 CHAIRMAN PAWLINSKI: Okay.

25 ALDERMAN HERRON: Mr. Chairman.

Page 30

1 CHAIRMAN PAWLINSKI: Okay. Go ahead.  
2 Alderman Herron.

3 ALDERMAN HERRON: For Mr. Quinn, how  
4 long have you owned this bar?

5 THE APPLICANT: 17 years.

6 ALDERMAN HERRON: 17 years. And are  
7 you familiar with state laws regarding gambling?

8 THE APPLICANT: Now, I am, yes.

9 ALDERMAN HERRON: And up to that point,  
10 you were not familiar with the laws? Have you  
11 ever played the lottery before?

12 THE APPLICANT: No.

13 ALDERMAN HERRON: And how was it that  
14 you believed that the lottery that - - that you  
15 could actually run a lottery within your  
16 establishment?

17 MR. BISHOP: I think these were pull  
18 tabs.

19 ALDERMAN HERRON: Pull tabs.

20 MR. BISHOP: Yeah.

21 THE APPLICANT: Because the guy that  
22 sells them told me they were legal. So now I  
23 don't have them.

24 ALDERMAN HERRON: Thank you.

25 CHAIRMAN PAWLINSKI: If you want to go

Page 31

1 ahead, Mister - - Alderwoman, do you have another  
2 question?

3 ALDERWOMAN CAMERON-ROLLINS: No, I just  
4 want to make a comment.

5 CHAIRMAN PAWLINSKI: Okay. I'd like to  
6 - - Maybe we can just wrap this up, and, Mr.  
7 Bishop, if you have any closing comments or any  
8 statements you'd like to make to the committee.

9 MR. BISHOP: No, I think that I went  
10 through the substantial information in the  
11 beginning.

12 CHAIRMAN PAWLINSKI: Okay.

13 MR. BISHOP: I can tell you that, as  
14 Mr. Quinn has indicated, he's been there for 17  
15 years. He's been there for some time, and he is  
16 mindful of his neighbors, and has taken the  
17 appropriate steps, once alerted to the situation  
18 concerning the alley, and that we essentially  
19 have number 14 which is the presence of underage  
20 as opposed to sale to underage. He's mindful of  
21 that and has hired a - - a doorman to make sure  
22 that the underage individuals do not come into  
23 the tavern.

24 CHAIRMAN PAWLINSKI: Alderman Bohl.

25 ALDERMAN BOHL: Mister - - Mr.

Page 32

1 Chairman, if I may.

2 CHAIRMAN PAWLINSKI: Go ahead.

3 ALDERMAN BOHL: Again, I - - I just  
4 want to reiterate. Notwithstanding the - - the  
5 fence that - - that is now coming forward. I'm  
6 very pleased with that. However, I - - I would  
7 like to again remind the committee that there  
8 have been substantial neighborhood problems  
9 beyond what - - what was - - is being brought  
10 forward by - - by Ms. Keller, that Mr. Quinn has  
11 in the past been very standoffish, and that I  
12 have even encountered some difficulties with him.  
13 I would again recommend that there be a - - a ten  
14 day suspension along with renewal as a measure of  
15 warning to Mr. Quinn that I will certainly be  
16 vigilant in watching his property to ensure that  
17 these problems not occur and that there has been  
18 substantial reoccurrence in the past of some of  
19 these problems to warrant at least that. Thank  
20 you.

21 CHAIRMAN PAWLINSKI: Okay. Thank you,  
22 Alderman Bohl. Alderwoman, did you have a final  
23 question?

24 ALDERWOMAN CAMERON-ROLLINS: No, I just  
25 want to make a



Page 33

Page 35

CHAIRMAN PAWLINSKI: Okay. Then this matter is in committee. What's the pleasure of the committee?

ALDERWOMAN CAMERON-ROLLINS: 30 day suspension. -- I make -- I move approval with a 30 day suspension.

CHAIRMAN PAWLINSKI: You have heard the motion of Alderwoman Rosa Cameron-Rollins for a 30 day -- a renewal with a 30 day suspension. Is there any discussion on that motion?

ALDERMAN HERRON: Mr. Chairman.

CHAIRMAN PAWLINSKI: Go ahead. Alderman Herron.

ALDERMAN HERRON: I would just say that I'm going to support that 30 day suspension recommendation. I don't believe that Mr. Quinn didn't know that pull tabs were illegal after being in the tavern business for 17 years. I find it difficult to believe that -- that that was something that he didn't know. I would have found his testimony much more compelling if he would have just admitted that he made a mistake and it shouldn't have happened, as opposed to telling us that he didn't -- he didn't know that that was illegal. So I'm going to support the

to move towards progressive discipline, I think perhaps a ten day suspension would be more appropriate. But we have to act on the motion. So we will take that up. The motion is for a 30 day suspension, a renewal with a 30 day suspension. Is there any objection to that motion? I'll object.

ALDERMAN SANCHEZ: I object.

CHAIRMAN PAWLINSKI: Okay. The motion fails for lack of a majority. I will make a motion for a ten day -- a renewal with a ten day suspension, based on the comments I just made. I think there's been some progress but not enough to satisfy me. I think that I'm most disturbed by the pattern of the issue of the gambling. I think that there could have been much more initiative on Mr. Quinn's part to resolve that matter, as well as, some of the issues that Ms. Keller brought up, as well as the Alderman. So I -- I will make a motion for a renewal with a ten day suspension. Is there any discussion on that motion?

ALDERWOMAN CAMERON-ROLLINS: I --

CHAIRMAN PAWLINSKI: Alderwoman?

ALDERWOMAN CAMERON-ROLLINS: I do -- I

Page 34

Page 36

motion for the 30 day suspension, based on the number of incidents that have occurred at his establishment, including an ongoing problem with underage people in his establishment.

CHAIRMAN PAWLINSKI: Alderman Sanchez, do you have any comments on this motion?

ALDERMAN SANCHEZ: Yeah, I'm going to object. I think that Mr. Quinn's made -- He's made a few mistakes. I, too, also feel that, you know, he -- with regards to gambling that he could have gotten information or he -- he's continued to make the mistake, but he is moving forward to -- to get the fence put in. He is making -- trying to accommodate the neighbors dealing with his recyclables and stuff. I think a 30 day suspension is too much, but I -- I do think that -- that perhaps a ten day suspension would be more in the lines.

CHAIRMAN PAWLINSKI: I will just personally tell you that I concur with the comments of Alderman Sanchez. We'll obviously see where this goes in a second, but I think that there's been some movement for progress, but not enough to satisfy me at this point. I personally just think 30 days is too severe. If we're going

have some suggestions. I feel like that he has a record and we've seen it's over and over as repeating, and I feel like a ten day suspension is too -- is a too mild of a statement to give a warning to him. The last time it was up, it was the same thing. This time now his renewal is it's the same thing over -- So it's a repeater. And if we give him a ten day suspension, that is to me is too mild of a punishment to say he had learned his lesson. If this was occurring last time and it took him a whole year to get the fence up, to me is -- is the alderperson is saying he's kind of vague on certain issues, and I'm feeling as though if he was going to be cooperative and understanding and responsible to the community and the residents concerns, he should have a 30 day suspension.

CHAIRMAN PAWLINSKI: Any other comments on the motion for renewal with a ten day? If not, the -- the motion is for renewal with a ten day. Is there any objection to that motion?

ALDERWOMAN CAMERON-ROLLINS: I object.

CHAIRMAN PAWLINSKI: Hearing one objection, sir, the matter carries on a three -- one vote. Your license has been renewed with a

Page 37

1 ten day suspension.

2 MR. SCHRIMPF: Mr. Chairman, what's the  
3 date of expiration of this license?

4 CHAIRMAN PAWLINSKI: June 30th.

5 MR. SCHRIMPF: Mr. Bishop, the  
6 committee is going to be doing findings of fact,  
7 conclusions of law, recommending renewal of this  
8 license with a ten day suspension. You and your  
9 client will have an opportunity to submit written  
10 objections to that recommendation, as well as to  
11 appear before the Common Council at its meeting  
12 of June 13th, 2000 in the Common Council chambers  
13 of this building or orally argue on any  
14 objections that you have. Do you understand all  
15 that?

16 MR. BISHOP: Yes, thank you, Attorney  
17 Schrimpf. Thank you members of the commission.

18 \* \* \* \* \*

Page 38

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3  
4 I, JEAN M. BARINA, of Milwaukee Reporters  
5 Associated, Inc., do certify that the foregoing transcript  
6 was reduced to writing under my direction and that it is a  
7 true and accurate transcription of a portion of the  
8 hearing regarding Utilities and Licenses Committee  
9 of May 30, 2000.

10  
11 JEAN M. BARINA - Court Reporter

12 Dated this day of June, 2000.  
13  
14