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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of a Class "B" Tavern Partnership  
Application for:

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7

JOHN F. SIMMERMAN

and

8

KATHRYN R. LEMIEUX

9

"Duckies"  
1800 W. Mitchell Street.

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COMMITTEE MEMBERS

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ALD. JAMES BOHL - Chairman

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ALD. JOE DAVIS, SR., - Vice Chairman

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ALD. FREDERICK GORDON

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ALD. JOSEPH A. DUDZIK

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ALD. TERRY L. WITKOWSKI

17

LICENSING DIVISION by JAMES COPELAND  
NEIGHBORHOOD SERVICES by PANDORA BENDER

18

HEALTH DEPARTMENT by OSCAR BOND

19

POLICE DEPARTMENT by SEARGENT JOHN HOGAN

20

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 11th day of November, 2003.

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P R O C E E D I N G S

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CHAIRMAN BOHL: In the 12th district for this afternoon is for John Simmerman and Kathryn Lemieux, Class 'B' Tavern partnership application for "Duckies" at 1800 West Mitchell Street.

Good afternoon, Mr. Simmerman and Ms. Lemieux. We'll need to swear you both in. (Whereupon witnesses were sworn.)

THE APPLICANTS: I do.

CHAIRMAN BOHL: And I need to ask each of you if you acknowledge receiving notice of this afternoon's meeting, with the possibility your application could be denied due to items in the att - - attached police report as well as neighborhood objections to loitering, littering, parking problems, concentration of alcoholic beverage outlets in the area, and conduct which is detrimental to the health, safety and welfare of the neighborhood.

THE APPLICANT: Yes.

CHAIRMAN BOHL: Thank you very much. Health department?

HEALTH: No objections.

CHAIRMAN BOHL: Neighborhood services.

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1 DNS: Hold for occupancy.

2 CHAIRMAN BOHL: Sergeant Hogan.

3 SERGEANT HOGAN: Two incidents in the  
4 last licensing period. The first occurred on  
5 October the 25th of last year. Officer was sent  
6 to a double-shooting at the tavern. Found one  
7 victim with a bullet wound to the back of her  
8 head. Another fellow walking around in the  
9 tavern with what appeared to be a bullet wound to  
10 his right cheek, although he wasn't talking. Not  
11 that he couldn't. He didn't want to. I have no  
12 further information on that.

13 The other incident occurred on July 9th  
14 of this year. Officers on routine patrol  
15 observed a couple of people fighting inside the  
16 tavern, and they arrested one person for battery.

17 CHAIRMAN BOHL: Okay. What we have  
18 here before us, Mr. Copeland, is this a renewal?  
19 Because I - - I see at the - -

20 MR. COPELAND: I have a new applicant.  
21 You are from individual to partnership. Am I  
22 correct?

23 THE APPLICANT: Yes. Me and Mr.  
24 Goldman had it before. And it didn't work out  
25 with us. So, my fiance is with a new - -

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1 MR. COPELAND: So this is a new  
2 partnership.  
3 THE APPLICANT: Yes.  
4 MR. COPELAND: Then it would be a new  
5 applicant.  
6 CHAIRMAN BOHL: This is a new  
7 application then.  
8 THE APPLICANT: Yes.  
9 CHAIRMAN BOHL: Okay. Did either one  
10 of you have any involvement with the other bar?  
11 THE APPLICANT: With the other bar?  
12 CHAIRMAN BOHL: Yes.  
13 THE APPLICANT: Yes, that was I, sir.  
14 CHAIRMAN BOHL: You had - - You were  
15 involved with another partner in the previous  
16 establishment. Is that - -  
17 THE APPLICANT: Right. That's correct.  
18 CHAIRMAN BOHL: All right. Thank you,  
19 Mr. Simmerman. And, Mr. Simmerman, I - - I just  
20 need to ask you and Ms. Lemieux if you have any  
21 questions or comments relating to the items in  
22 the police report as read into the record here  
23 before us?  
24 THE APPLICANT: The only thing I know  
25 about that when that lady was shot, the person we

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1 made leave, left, went to the house, got a gun,  
2 came back, fired through the window. When I  
3 talked to the officer there, the detective, he  
4 said we were victims, not part of the problem  
5 because of that.

6 CHAIRMAN BOHL: So was - - Was the  
7 initial shooting inside the bar?

8 THE APPLICANT: No, sir.

9 CHAIRMAN BOHL: So there was a  
10 shooting - -

11 THE APPLICANT: It come from outside.

12 CHAIRMAN BOHL: - - outside the bar and  
13 a retaliatory shooting into the bar?

14 THE APPLICANT: No. This person was  
15 made to leave the bar, and after they had left,  
16 they went home, got a pistol, came back, and they  
17 started shooting through the window.

18 CHAIRMAN BOHL: Okay. And two  
19 individuals happened to be - - happened to be  
20 wounded in the indiscriminate shooting into the  
21 window. Is that correct?

22 THE APPLICANT: Right.

23 CHAIRMAN BOHL: Okay. Any other  
24 questions - - Any other comments you have  
25 relating to item number two?

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1 THE APPLICANT: No, sir.  
2 CHAIRMAN BOHL: Okay. Questions,  
3 comments by committee relating to the police  
4 report before us?  
5 ALDERMAN DAVIS: Mr. Chair.  
6 CHAIRMAN BOHL: Alderman Davis.  
7 ALDERMAN DAVIS: Mr. Simmerman - - Mr.  
8 Simmerman.  
9 THE APPLICANT: Yes, sir.  
10 ALDERMAN DAVIS: Have - - Has your  
11 Class 'B' Tavern been renewed?  
12 THE APPLICANT: Not yet, no.  
13 ALDERMAN DAVIS: No? Mr. Copeland?  
14 This is not a renewal.  
15 MR. COPELAND: Yeah, this is a new  
16 application because of the change of a  
17 partnership. So what you have before you is a  
18 new application with Mr. Simmer - - Simmerman,  
19 who was on the previous application with another  
20 partner, who is before you now on this  
21 application with a new partner. So this is a new  
22 application. It's not a renewal.  
23 CHAIRMAN BOHL: So the threshold - -  
24 the threshold is not as great, but because of the  
25 previous partnership as well as activity the

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1 police report can be used toward this address,  
2 even though the threshold is now lower, because  
3 we're not dealing with a existing license with  
4 all the lovely benefits it has with property  
5 rights.

6 ALDERMAN DAVIS: Mr. Chair, if I may  
7 ask, Mr. Copeland.

8 CHAIRMAN BOHL: Go ahead.

9 MR. COPLAND: Yes.

10 ALDERMAN DAVIS: His Class 'B' renewal  
11 had expired. As I take a look at the sheets  
12 that's contained in our document it has an  
13 application date of 9/17 of 2003. Is that  
14 correct?

15 MR. COPELAND: That is the application  
16 date of this present one. I would have to look  
17 and see when the - - the other partnership ..

18 THE APPLICANT: The other one dissolved  
19 as of July 31st.

20 CHAIRMAN BOHL: Mr. Simmerman, how long  
21 had the license - - Had the license expired when  
22 that corporation - - or the previous corporation  
23 or LLC dissolved?

24 THE APPLICANT: Yes, sir.

25 CHAIRMAN BOHL: It had.

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1 THE APPLICANT: Right.  
2 CHAIRMAN BOHL: Did you - - Did you  
3 file a - - any renewal application, or did this  
4 come around - -  
5 THE APPLICANT: Not at that time, no.  
6 CHAIRMAN BOHL: Okay. All right.  
7 Alderman, does that answer - -  
8 ALDERMAN DAVIS: Thank you, Mr. Chair.  
9 CHAIRMAN BOHL: Thank you. Any other  
10 questions by committee?  
11 MR. SCHRIMPF: Mr. Chairman?  
12 CHAIRMAN BOHL: Mr. Schrimpf.  
13 MR. SCHRIMPF: Thank you. Who called -  
14 - Mr. Simmerman, do you know who called the  
15 police with respect to incident number one?  
16 THE APPLICANT: That one involved the  
17 shooting?  
18 MR. SCHRIMPF: Yes.  
19 THE APPLICANT: There was about three  
20 people that called. Everybody pulled out  
21 cellular phones right away.  
22 MR. SCHRIMPF: People in the bar?  
23 THE APPLICANT: Yes.  
24 MR. SCHRIMPF: That's all I have.  
25 SERGEANT HOGAN: Mr. Chairman.



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1                   CHAIRMAN BOHL: Sergeant. Absolutely,  
2 Sergeant.

3                   SERGEANT HOGAN: Why was the person  
4 made to leave the tavern?

5                   THE APPLICANT: He was becoming a  
6 nuisance.

7                   SERGEANT HOGAN: Did anybody think of  
8 calling the police at that time?

9                   THE APPLICANT: Not then, because he  
10 didn't show no signs of any trouble or nothing.  
11 He left on his own.

12                   SERGEANT HOGAN: That's all I have.

13                   CHAIRMAN BOHL: Thank you. This item  
14 is cited for neighborhood objections. I need to  
15 see if there are any neighbors here to testify in  
16 opposition to this matter. You can show so by a  
17 - - by raising your hand. Alderman, again, we  
18 see none and we don't see any, and, Alderman  
19 Sanchez? Okay. Alderman Sanchez the ball's in  
20 your court here.

21                   ALDERMAN SANCHEZ: Thank you, Mr.  
22 Chair. It's been a long afternoon. I admire you  
23 guys for sitting through all this all day. And  
24 also respect the decisions that you make. But  
25 the fact of the matter is that this location is

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1       - - is an unsuitable location, indeed, for - -  
2       for an establishment.  It's true Mr. Simmerman  
3       had been part of some type of corporation or  
4       partnership which has dissolved, and whatever the  
5       feuds may be between him and his partner, you  
6       know, I refuse to take no part in that.  I can  
7       tell you that I have received several calls from  
8       different people who wanted to remain anonymous  
9       and with concerns with that place being  
10      established again, with it being opened.  And if  
11      you will look at the police report, it will show  
12      you that there were some shots that were fired  
13      into that building.  And the lady who was struck,  
14      later did die.  She's no longer with us.  Earlier  
15      today we looked at another establishment, New  
16      Beginings, and I mentioned this is just a few  
17      blocks from there.  And about a year and a half  
18      ago there was also a killing there.  So two  
19      killings within - - within three blocks, and I  
20      think about a month and a half ago there was  
21      three or four separate shootings around that area  
22      with a person from out of town that the police  
23      are still looking for.  And, you know, it further  
24      proves it's just an area that is undergoing a lot  
25      of changes.  It's an area that I think that with

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1 the help of the police department can - - can get  
2 better.

3 And I think that Mr. Simmerman, you  
4 know, obviously I think he's a nice guy. I have  
5 met him in the past, but I don't know if this is  
6 a good location for anyone. And here again, I  
7 think that, you know, I think that - - that  
8 didn't give me any joy the day of hearing that  
9 there was shots and that someone had been shot in  
10 the district, or any part of the city for that  
11 matter, but it didn't give me any more pleasure  
12 finding out that the person that was shot had  
13 passed away. And I think that it would probably  
14 be in the best interest in the neighborhood to  
15 not grant this license.

16 CHAIRMAN BOHL: Thank you, Alderman  
17 Sanchez. Mr. Simmerman, Ms. Lemieux, this is  
18 your opportunity to express to the committee why  
19 you believe this application should move forward  
20 here through the recommendation process and  
21 address any concerns at the same time that are  
22 being raised by the local alderperson.

23 THE APPLICANT: Outside of those  
24 incidents, that was it. I - - I don't understand  
25 where we had anything to do with any of that

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1 other shooting. We had nothing to do with that.  
2 And the fact is, the man shot through the window,  
3 and shot up the place. There's nothing none of  
4 us could have done. It just - - The person just  
5 did something strange and started shooting away  
6 at us in there. I'm only happy a lot more people  
7 didn't get hurt.

8 CHAIRMAN BOHL: Any other comments, Mr.  
9 Simmerman?

10 THE APPLICANT: No. Not right now.

11 CHAIRMAN BOHL: Any questions or  
12 comments by committee at this point? Otherwise,  
13 we'll take this matter into committee. Is there  
14 a motion by one? No, that's fine. I just wanted  
15 to see if there was overlap with the location,  
16 whether there was a concentration map. There is  
17 not. This matter is in committee. Is there a  
18 motion by committee members?

19 ALDERMAN GORDON: Mr. Chairman.

20 CHAIRMAN BOHL: Alderman Gordon.

21 ALDERMAN GORDON: I would move for  
22 denial of this license based on police  
23 objections, the incident that resulted in the  
24 death of a patron. It's certainly enough of a  
25 reason for this particular location to be

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1 declared a nuisance and thus, I think that  
2 removing this location from the 12th District  
3 would be a benefit to Alderman Sanchez and his  
4 constituents. So that's my motion.

5 CHAIRMAN BOHL: Okay. I just want to  
6 be very clear in terms of nuisance, unfit  
7 location is not cited. So that is not one thing  
8 that we cannot take up for consideration. And I  
9 don't know if you wanted to go there or not,  
10 Alderman Gordon.

11 ALDERMAN GORDON: No.

12 CHAIRMAN BOHL: But your - - your  
13 motion.

14 ALDERMAN GORDON: No.

15 CHAIRMAN BOHL: Okay. That's - -  
16 Understand, I just wanted to clarify that. But  
17 the motion by Alderman Gordon is for denial of  
18 the partnership application due to items in the  
19 police report. Is there any discussion with  
20 committee members on that motion? Is there any  
21 objection to that motion? Hearing and seeing  
22 none, so ordered. Mr. Simmerman, Ms. Lemieux, we  
23 wish you luck. Thank you.

24 THE APPLICANT: Thank you.

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1 STATE OF WISCONSIN)  
2 MILWAUKEE COUNTY )

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JEAN M. BARINA - COURT REPORTER

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Dated this            day of December, 2003.

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