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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of:

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PEGGY A. MATA, Agent For CANCUN, Inc,

7

Class B TAVERN RENEWAL APPLICATION for CANCUN RESTAURANT
at 3334 S. 27th Street.

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COMMITTEE MEMBERS

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ALD. TERRANCE HERRON - Vice-Chairman

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ALD. JAMES BOHL

12

ALD. ROSA CAMERON

13

ALD. FRED GORDON

14

LICENSING DIVISION by JAMES COPELAND

15

NEIGHBORHOOD SERVICES by PANDORA T. BENDER

16

HEALTH DEPARTMENT by OSCAR BOND

17

POLICE DEPARTMENT by SEARGENT JOHN HOGAN

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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 UTILITIES &
LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on
the 28th day of May, 2002.

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P R O C E E D I N G S

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CHAIRMAN PAWLINSKI: I'm passing the gavel. And I will move for reconsideration of the matter to hold, the matter for Peggy Mata, Agent for "Cancun." Alderman.

VICE-CHAIRMAN HERRON: There's a motion for reconsideration. Is there any objection to that motion? Hearing none, so ordered. We are now on the matter of "Cancun." Let's see if we can find that in our books. I know it's in here, but it's going to be quite challenging to find.

While we're doing that, why don't we swear in the applicant and the Alderman.

MR. SCHRIMPF: Do you sol - - Do you both solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

ALDERMAN PAWLINSKI: I do.

THE APPLICANT: I do.

VICE-CHAIRMAN HERRON: And, this is going to take me one second to find this, if you don't mind. And you are Peggy Mata?

THE APPLICANT: Yes.

VICE-CHAIRMAN HERRON: All right.

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1 Well, we're start with - - and you - - Did you
2 receive the notice that this meeting was going to
3 be held and that your license may be denied due
4 to police report, neighborhood objections, to the
5 licensing of this premises, loitering after
6 closing hours, loud and rowdy patrons, booming
7 and loud car stereos, and loud music from inside
8 the premises. Did you receive that notice?

9 THE APPLICANT: No, I didn't. That's
10 why I'm late. They must have misplaced the
11 letter or something.

12 VICE-CHAIRMAN HERRON: Mr. Schrimpf?

13 THE APPLICANT: Because, you know,
14 that's why I'm late, because I didn't know I had
15 this meeting today, and I had an appointment.

16 MR. SCHRIMPF: Mr. Chairman, therefore,
17 I have some questions for the applicant.

18 VICE-CHAIRMAN HERRON: Go ahead.

19 MR. SCHRIMPF: Okay. Thank you. Ms.
20 Mata, do you currently reside at - - I'm sorry.
21 Yes. Do you currently reside at 1602 South 53rd
22 Street?

23 THE APPLICANT: No, I moved in May.

24 May 1st.

25 MR. SCHRIMPF: Pardon me?

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1 THE APPLICANT: I moved in May 1st. I
2 moved out of there. I don't live there anymore.
3 MR. SCHRIMPF: On the 1st you moved out
4 of there? And that's May 1st, 2002?
5 THE APPLICANT: 2002.
6 MR. SCHRIMPF: All right. And you are
7 saying that you did not receive notice of today's
8 hearing. Is that correct?
9 THE APPLICANT: No.
10 MR. SCHRIMPF: And when you moved out
11 of there, did you notify the License Division of
12 your change of address?
13 THE APPLICANT: No, I thought it was
14 going to the restaurant.
15 MR. SCHRIMPF: You thought that it was
16 going to go to the restaurant.
17 THE APPLICANT: Yes.
18 MR. SCHRIMPF: And you regularly appear
19 at the restaurant?
20 THE APPLICANT: Ah, yes.
21 MR. SCHRIMPF: And that is 3334 South
22 27th Street?
23 THE APPLICANT: Yes.
24 MR. SCHRIMPF: Milwaukee, Wisconsin?
25 THE APPLICANT: Yes.

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1 MR. SCHRIMPF: Mr. Chairman, I have a
2 couple of questions for Mr. Copeland.

3 VICE-CHAIRMAN HERRON: Go ahead, Mr.
4 Schrimpf.

5 MR. SCHRIMPF: When was notice of this
6 hearing sent out?

7 MR. COPELAND: May 15th, 2002.

8 MR. SCHRIMPF: And it was sent to what
9 address, sir?

10 MR. COPELAND: 1602 South 53rd Street,
11 Milwaukee - - Excuse me - - West Milwaukee,
12 Wisconsin 53214.

13 MR. SCHRIMPF: And was that the last
14 known address that the License Division had on
15 file for Ms. Peggy A. Mata?

16 MR. COPELAND: Yes, it was.

17 MR. SCHRIMPF: And was any application
18 or any notification submitted to the License
19 Division of a change of address?

20 MR. COPELAND: It was not.

21 MR. SCHRIMPF: Okay. Mr. Chairman,
22 under the circumstances I believe that the - -
23 Oh. Was the notice returned to the License
24 Division by the United States Postal Service?

25 MR. COPELAND: It was not.

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1 MR. SCHRIMPF: Ms. Mata, I have a
2 question for you. Did you have an arrangement
3 with the United States Postal Service to forward
4 your mail to your new mailing address?

5 THE APPLICANT: I haven't done that.

6 MR. SCHRIMPF: Mr. Chairman, under the
7 circumstances, it appears to me that there is an
8 ordinance that requires that all changes of
9 addresses be submitted to the License Division.
10 Obviously, I think by the witness' own testimony
11 she indicated that she did not comply with that
12 particular requirement of the ordinances.
13 Therefore, although this is - - this is a
14 situation where she did not get the notice, I
15 don't believe the notice is the fault of the - -
16 of the City of Milwaukee or the License Division
17 or the committee.

18 VICE-CHAIRMAN HERRON: Just a quick - -
19 When does this license expire?

20 ALDERMAN PAWLINSKI: June 19th.

21 VICE-CHAIRMAN HERRON: June 19th. And
22 will there be any other opportunities to hear
23 this matter before June 19th?

24 MR. SCHRIMPF: Mr. Copeland seems to be
25 indicating no. Is that correct?

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MR. COPELAND: No.

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ALDERMAN PAWLINSKI: Mr. Chairman, may

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I ask a question of the applicant? I'll address

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it to the committee. The question I would ask

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is, if she did not receive notice of the meeting,

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how did she know to be here today?

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THE APPLICANT: Rosa called from ..

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ALDERMAN PAWLINSKI: Who is Rosa?

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THE APPLICANT: She works for you.

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ALDERMAN PAWLINSKI: For the record,

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Rosa is not my aldermanic assistant. My

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aldermanic assistant, I spoke to three minutes

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ago. We did not call her, and we did not receive

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a phone call from anyone who said you weren't

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going to be here. So. I'm going to say if

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another city employee takes it upon themselves to

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notify the applicant to show up, you know, I'm

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not sure that that's the proper protocol.

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VICE-CHAIRMAN HERRON: Ms. Mata, you

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obviously haven't received notice or at least you

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claim to not have received notice. Your license

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expires before we'd have a chance to have another

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hearing. You understand by proceeding with this

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hearing without counsel you could lose your

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license or have it suspended. Are you - - I

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1 assume you're ready to proceed with the hearing?

2 THE APPLICANT: Yes.

3 VICE-CHAIRMAN HERRON: Okay. Do you
4 have a question, Alderwoman Cameron?

5 ALDERWOMAN CAMERON: Just
6 clarification. It was stated that Rosa called
7 her.

8 ALDERMAN PAWLINSKI: No, it's not you.

9 ALDERWOMAN CAMERON: I just wanted to
10 make that clear.

11 ALDERMAN PAWLINSKI: I know that.

12 VICE-CHAIRMAN HERRON: I assume you're
13 talking about Rosa - -

14 ALDERWOMAN CAMERON: You know the
15 rumors around it.

16 VICE-CHAIRMAN HERRON: I assume you're
17 talking about Rosa - - Is it Rosa Garcia you're
18 talking about?

19 THE APPLICANT: Rosa.

20 VICE-CHAIRMAN HERRON: Rosa, okay. So
21 Rosa called you and told you to come.

22 THE APPLICANT: She called the
23 restaurant. They called - - called us and told
24 me I had a meeting.

25 VICE-CHAIRMAN HERRON: I assume we're

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1 okay to proceed.

2 MR. SCHRIMPF: You may proceed, Mr.
3 Chairman.

4 VICE-CHAIRMAN HERRON: Okay. Health
5 department.

6 HEALTH DEPARTMENT: No objections.

7 VICE-CHAIRMAN HERRON: Neighborhood
8 services?

9 NEIGHBORHOOD SERVICES: No objections.

10 VICE-CHAIRMAN HERRON: There is a
11 police report, officer. Sergeant Hogan.

12 SERGEANT HOGAN: The following
13 incidents occurred within the last licensing
14 period.

15 On December 14th, 2001 shortly after
16 two a.m. officers responded to a fight at the
17 premises. Responding officers were told by the
18 security officer that there was no one injured
19 and no fight. Later that morning officers
20 investigated an armed robbery complaint at St.
21 Luke's Hospital. This security officer was at
22 the hospital at that time. The officers
23 interviewed three victims, all of whom were under
24 the age of 21 years. All were attacked in the
25 parking lot of the Cancun Restaurant. The

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1 security guard was at the hospital comforting one
2 of the victims. Investigation could not
3 determine if the victims were patrons of the
4 tavern or the restaurant. Officers could
5 determine - - Correction - - could not determine
6 if food was being served until nine p.m. or 11
7 p.m., due to a lack of cooperation. One
8 additional criminal complaint was filed at the
9 Sixth District regarding a car window which was
10 smashed by a beer bottle in the parking lot of
11 the restaurant during this fight. Two days after
12 this incident, a sub - - suspect was arrested
13 regarding the above incident.

14 On December 16th, 2001 at about 2:25
15 a.m. a detective was doing follow-up work on the
16 premises and observed two women involved in a
17 fight on the parking lot, called for some help,
18 and both these women were taken into custody.

19 On March the 15th, 2002 at about 1:30
20 a.m. officers responded to the premises regarding
21 a fight. Officers were met by the bouncer who
22 related that a fight occurred outside the bar.
23 Upon entering the premises officers observed a
24 substantial amount of broken glass, as well as
25 blood on the floor and chairs that were in

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1 several locations, they were strewn about.
2 Further investigation revealed that shots were
3 fired outside the tavern. Both Peggy and Pedro
4 Mata were on the scene at the time. A citation
5 was issued for disorderly premises. That is
6 pending in municipal court.

7 On March the 18th of 2001 at 2:17 a.m.
8 officers responded to the premises regarding
9 shots fired in the parking lot. Officers
10 observed a fight upon their arrival, in the
11 parking lot, between two patrons. Investigation
12 revealed that no shots had been fired at this
13 time. Both people involved in the fight were
14 issued citations.

15 Two other notes. One is that the
16 applicant still has an outstanding warrant with
17 the West Allis Police Department for contributing
18 to the delinquency of a child. And the other is
19 that based upon her statement and lack of notice,
20 that she will be getting a citation for failing
21 to notify the City Clerk of her change of
22 address.

23 MR. SCHRIMPF: Mr. Chairman, I have one
24 question of Ms. Mata.

25 VICE-CHAIRMAN HERRON: Yes, Mr.

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1 Schrimpf.
2 MR. SCHRIMPF: What is your current
3 mailing address?
4 THE APPLICANT: 1579 South 35th Street.
5 MR. SCHRIMPF: And the zip code?
6 THE APPLICANT: 53215.
7 MR. SCHRIMPF: Is that in Milwaukee?
8 THE APPLICANT: Yes.
9 MR. SCHRIMPF: All right. So I can
10 read it back to you. 1579 South 35th Street,
11 Milwaukee, 53215.
12 THE APPLICANT: Yes.
13 MR. SCHRIMPF: Okay.
14 VICE-CHAIRMAN HERRON: Mr. Schrimpf.
15 ALDERMAN BOHL: Mr. Chairman.
16 VICE-CHAIRMAN HERRON: On the issue of
17 open warrants, how have we dealt with these with
18 renewal licenses? I know with bartenders we
19 haven't heard their case until their warrants
20 have been satisfied. What has been - - What is
21 the rule on - -
22 MR. SCHRIMPF: The - - The
23 committee - - consider - -
24 VICE-CHAIRMAN HERRON: - - in this
25 instance.

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1 MR. SCHRIMPF: The committee has to
2 consider the matter before the expiration of the
3 license in such a fashion so that the committee
4 hearing and the Common Council proceedings can
5 all be completed prior to the expiration of the
6 license.

7 VICE-CHAIRMAN HERRON: Alderman Bohl,
8 do you have a question about, I assume, something
9 about - - about the process before we open this
10 matter up.

11 ALDERMAN BOHL: About the police
12 report, Mr. Chairman. The question - - The
13 question I have is we were given an addendum
14 police report with six items, and item number six
15 has a incident date of 3/18/2001. That seems to
16 be a duplicate of item number two, and I just
17 wanted to clarify whether or not that alleged
18 event here occurred in 2001 or 2002. If it was
19 2001, I believe it would be something that would
20 not be in the present license year.

21 SERGEANT HOGAN: This dies appears to
22 be a duplicate.

23 MR. SCHRIMPF: Mr. Chairman, now I'm
24 confused. So it's March - - The incident of
25 March 18th is 2001, not 2002.

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1 SERGEANT HOGAN: Correct.

2 MR. SCHRIMPF: All right. Mr.
3 Chairman, I would ask that the entire police
4 report be received into the record of the
5 proceeding.

6 VICE-CHAIRMAN HERRON: Alderwoman Cam
7 - - Alderwoman Cameron will move to make the
8 entire police report part of the record. Any
9 objections?

10 All right. Why don't we start with the
11 alderman of the area, Alderman Pawlinski.

12 ALDERMAN PAWLINSKI: Thank you, Mr.
13 Chairman. A couple of comments. If you recall
14 last year, although the committee has changed
15 over a little bit since last year, last year this
16 matter was before the committee because there
17 were some incidents in the police report, and we
18 brought them before the committee, did not
19 suspend the license. In fact, I, as chairman,
20 didn't even ask for a suspension, but we did
21 notify her on the record that she needed to take
22 a greater care, managerial care of what was going
23 on at the establishment. And we basically, for
24 about five minutes, lectured her on the
25 importance of watching what happens at the

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1 establishment. You have a restaurant, and at
2 night the restaurant changes over to more of a
3 nightclub atmosphere, where they have a large
4 parking lot. And clearly, some of the incidents
5 that have been reported to you in the police
6 report bear out in my opinion that she has not
7 taken the advice of this committee to heart.

8 Now, having said that, prior to last
9 year's public hearing I met with - - met with Ms.
10 Mata in my office with my legislative assistant
11 and informed her of my desire to see improvement
12 at that location. And we outlined a number of
13 parameters for her to follow. And I even wrote
14 her a follow-up letter, suggest - - suggesting to
15 her in writing, and reiterating some of the
16 things we discussed in person. And she came
17 before the committee, and I felt it was important
18 to even warn her one more time. So that was
19 three. One verbal - - one verbal, face-to-face,
20 one written, and one verbal with this whole
21 committee present.

22 I'm bothered by the fact that she did
23 not take that - - that advice to heart. I'm
24 bothered by the fact that last year at the public
25 hearing she showed up a half hour late. Today

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1 she was 45 minutes late. To me, it demonstrates
2 a pattern of non - - of not being concerned or
3 not being truly attuned to the importance of what
4 goes on at that establishment and the importance
5 of maintaining her - - her livelihood and what
6 this committee can or cannot do.

7 Now, having said that, I do receive
8 phone calls from neighbors in the area about what
9 goes on at night, about the loud music, the
10 booming car stereos, the loitering, the
11 littering, the yelling between cars after hours.
12 I receive phone calls at home and I receive them
13 in my office, including E-mails. I'm bothered by
14 the police report. Clearly there doesn't seem
15 any lack of - - of effort - - There seems to be a
16 lack of effort here to fully comply and cooperate
17 with the standards in the neighborhood, with my
18 office, and with what are basically the
19 parameters of having a liquor license in this
20 community.

21 Now, I think we ought to do one of two
22 things, the committee ought to do one of two
23 things. Either suspend the license for between
24 15 to 20 days or take away the - - the
25 tavern/dance application portion. I would prefer

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1 that - - the committee to strip the tavern/dance
2 aspect of the application, because in my opinion
3 that would completely solve the problem. I would
4 hope it would. I would hope it would. So that's
5 what I would ask for, Mr. Chairman, based on the
6 police report and based on the fact that I have
7 documented evidence that there's been no effort
8 on Ms. Mata's part to cooperate with - - with me,
9 and we need to take some form of action.
10 Otherwise, I believe someone will get hurt.

11 VICE-CHAIRMAN HERRON: Is there anyone
12 here from the neighborhood to testify on this
13 matter? All right. Alderwoman Cameron has a
14 question, and then we'll go on and hear from Ms.
15 Mata.

16 ALDERWOMAN CAMERON: Okay. First of
17 all, I wanted to know what procedures, because
18 our normal procedures are that we wouldn't deal
19 with a - - an application that has a warrant on
20 it. So what - - Even if we do this - -

21 ALDERMAN BOHL: Mr. Chairman.

22 MR. SCHRIMPF: No. No.

23 ALDERWOMAN CAMERON: There is a warrant
24 in West Allis.

25 VICE-CHAIRMAN HERRON: She's asked a

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1 question of - -

2 ALDERWOMAN CAMERON: And I'm just

3 asking - -

4 VICE-CHAIRMAN HERRON: - - Attorney

5 Schrimpf. So, Attorney Schrimpf, you want to

6 respond to that.

7 MR. SCHRIMPF: Okay. First of all - -

8 First of all, I - - I would note that the warrant

9 is in West Allis.

10 ALDERWOMAN CAMERON: Yes.

11 MR. SCHRIMPF: The - - The process of

12 the committee not choosing to deal with an

13 application that has a pending warrant is

14 something that in this particular instance does

15 not apply, because the committee must deal with

16 this license before the license expires.

17 ALDERWOMAN CAMERON: Okay. If we do

18 deal with this license before the license

19 expires, could we approve with a insert of

20 depending on the outcome of the - -

21 MR. SCHRIMPF: No.

22 ALDERWOMAN CAMERON: - - actions in

23 West Allis?

24 MR. SCHRIMPF: No. No.

25 ALDERWOMAN CAMERON: Okay.

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1 MR. SCHRIMPF: Because the actions in
2 West Allis - -

3 ALDERWOMAN CAMERON: Um-hnh.

4 MR. SCHRIMPF: - - may or may not have
5 any bearing to this, and you don't know when the
6 action in West Allis is going to be concluded.

7 VICE-CHAIRMAN HERRON: So would you say
8 that the licensee's ability to operate a business
9 supersedes the warrant - -

10 MR. SCHRIMPF: Yes.

11 VICE-CHAIRMAN HERRON: - - issue.
12 Okay. All right. With that we'll hear from you,
13 Ms. Mata.

14 THE APPLICANT: With the warrant, I
15 took care of that already. I went and made
16 arrangements to start payment.

17 VICE-CHAIRMAN HERRON: Do you want to
18 take - -

19 THE APPLICANT: Okay. I said the
20 warrant, I already took care of that.

21 VICE-CHAIRMAN HERRON: Do you want to
22 take a moment and address the issues in the
23 police report as well as the issues laid out by
24 the alderman of the area?

25 THE APPLICANT: Okay. As far as the

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1 incidents, yes, they did happen. I did get more
2 security. Not everybody did their job the way
3 they were supposed to. Some of them didn't go
4 out there like they should have. I got rid of
5 some of those people. But some of the people,
6 lately there hasn't been any incidents. But
7 we've been really strict on - - I mean, we were
8 strict on as far as carding, but some of these
9 people have fake IDs, you know, they - -

10 What I'm really looking for here, I
11 mean, I'm getting tired of this, too. I mean,
12 it's - - I never had any problems when I just had
13 a restaurant, which was fine with me. And me and
14 my husband we're thinking of - - if we could just
15 have like private parties, you know, when there's
16 like - - where they - - Nobody can just come in.
17 I mean, they have their own people, whoever they
18 invite, and that would be about it, and we would
19 close the restaurant early. If we could just
20 serve liquor for the restaurant.

21 VICE-CHAIRMAN HERRON: The alderman has
22 recommended that you, I believe, give up your
23 tavern/dance license and go with just a tavern
24 license. Is that right, Alderman?

25 ALDERMAN PAWLINSKI: Well, I want to

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1 make sure that I'm clear, is that I think any
2 entertainment at that location where people are
3 drawn there to dance is detrimental to the
4 health, safety and welfare in the neighborhood.
5 So when you talk about that aspect of it, I would
6 say that's - - that's a tavern/dance license, as
7 well as, I want some clarification where it says
8 phonograph/jukebox premise. Does that allow
9 patrons to dance to jukebox?

10 MR. COPELAND: No.

11 ALDERMAN PAWLINSKI: Okay. So - - So
12 the tavern/dance license is most prevalent in my
13 opinion that is the cause and the impetus of the
14 problems.

15 VICE-CHAIRMAN HERRON: Hold on. One
16 second. I assume that what you're saying is if
17 you could keep your liquor license, get rid of
18 the tavern/dance, that you wouldn't have a
19 problem with that? Is that correct?

20 THE APPLICANT: I wouldn't have a
21 problem with that. I would just like, like
22 there's - -

23 VICE-CHAIRMAN HERRON: There are - -
24 You know, there are - - there are the
25 opportunities for you to call the alderman on

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1 special occasions and get a special permit to
2 have special parties, and I believe you can get
3 up to 12 of those a year. Is that correct?

4 ALDERWOMAN CAMERON: Ten.

5 MR. COPELAND: Ten.

6 VICE-CHAIRMAN HERRON: Ten a year.

7 Would that be satisfactory for you?

8 THE APPLICANT: Well, right now we have
9 a lot of parties booked there, like family
10 reunion things, Baptisms, I mean.

11 VICE-CHAIRMAN HERRON: Tell you what.

12 What I'll do is why don't we hold this matter - -
13 Why don't the two of you get together?

14 ALDERMAN PAWLINSKI: I don't - -
15 Alderman, I don't want to hold it. I'm sorry. I
16 don't want to hold it.

17 VICE-CHAIRMAN HERRON: No, a minute for
18 you two to talk about the issue.

19 ALDERMAN PAWLINSKI: I don't want - - I
20 don't want to talk - - I don't want - - I
21 honestly don't want to. I have tried and tried,
22 in my opinion, to work this cooperatively. And
23 as far as I'm concerned, I mean, there's nothing
24 more to talk about. I - - I'm sorry. I'm
25 willing to consider it, willing to consider the

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1 ten applications, but I'm sorry. I don't want to
2 be bullheaded about it, but quite frankly, my
3 patience has worn out. It just is.

4 ALDERWOMAN CAMERON: Mr. Chairman.

5 VICE-CHAIRMAN HERRON: Alderwoman

6 Cameron.

7 ALDERWOMAN CAMERON: Do we have any
8 residents here to object?

9 ALDERMAN PAWLINSKI: There are none.

10 ALDERWOMAN CAMERON: Oh.

11 ALDERMAN PAWLINSKI: Alderwoman, I
12 would caution not to take that as a - - as an
13 indication that there's not neighborhood issues
14 here.

15 ALDERWOMAN CAMERON: I would - -

16 VICE-CHAIRMAN HERRON: Alderwoman

17 Cameron.

18 ALDERWOMAN CAMERON: Thank you, but the
19 note did go out for neighborhood objections, and
20 we are looking for residents, and do - - when we
21 do have cases like this where we're asking for
22 residents to come up and testify and that - - Mr.
23 Chairman, yourself, has said if residents don't
24 come up to testify, then we are kind of left
25 short-handed. I'm only going by your words. And

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1 you also indicated that you have sent notes,
2 letters of meetings which you didn't provide us
3 with it.

4 ALDERMAN PAWLINSKI: I can bring those
5 up here in about three minutes.

6 ALDERWOMAN CAMERON: But, no, you - -
7 We refuse - - As you said that we need to not to
8 delay this matter. We need to conduct it right
9 now. So I'm saying according to what your
10 practice that you have set up that right now in
11 our file we do not have enough to grant the
12 request that you requested.

13 ALDERMAN BOHL: Mr. Chairman.

14 VICE-CHAIRMAN HERRON: Alderman Bohl.

15 ALDERMAN BOHL: I'm not going to even
16 start talk - - I'm not even going to get to the
17 point where I'm going to argue semantics with - -
18 with any other person in this body. If there are
19 no other questions, I'm prepared to make a
20 motion.

21 ALDERMAN PAWLINSKI: Can I respond - -
22 Can I just respond, Mr. Chairman, to one thing?

23 VICE-CHAIRMAN HERRON: Sure. Alderman
24 Pawlinski.

25 ALDERMAN PAWLINSKI: Only because it's

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1 - - It's important for clarification's sake, is
2 that my comments regarding, as chairman,
3 regarding if there are no neighborhood - -
4 neighborhood individuals here to - - to object
5 and we have to move forward is only based on when
6 there's no police report and when the local
7 alderman isn't here providing some proof or
8 documentation. I mean, I'll ask Ms. Mata on the
9 record. She's been sworn. Did we or did we not
10 meet in my office to discuss the problems at that
11 location about 15 months ago?

12 THE APPLICANT: Yes.

13 ALDERMAN PAWLINSKI: Did I or did I not
14 mail you a letter as a follow-up to our meeting
15 telling you that you need to - - you need to take
16 greater care of - - of your management style at
17 that location?

18 THE APPLICANT: Yes, you did.

19 ALDERMAN PAWLINSKI: And did - - did we
20 or did we not have you before the committee last
21 year and go through these kinds of things in
22 front of the committee, and you said you would
23 - - you would do your best?

24 THE APPLICANT: Yes.

25 VICE-CHAIRMAN HERRON: Alderman Bohl,

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1 do you have a motion?

2 ALDERMAN BOHL: I have a motion.

3 VICE-CHAIRMAN HERRON: Before you make
4 that, Ms. Mata, do you have anything you'd like
5 to add to the record? I assume what you're
6 saying is you would give up your tavern/dance
7 license and you'll go with just a regular tavern
8 or liquor license, which doesn't allow dancing by
9 patrons and other things, but it does allow you
10 to continue to sell alcoholic beverages to your
11 restaurant patrons? Is that satisfactory?

12 THE APPLICANT: The truth, not really.
13 I mean, but if that's what I have to go with, I
14 would go with that. But I just have so many
15 parties booked that I would hate to let so many
16 people down. Like I said, I would make them
17 private parties. I wouldn't just let anybody
18 walk in, just whoever they invite. And really, I
19 mean, all this happens when you see other people
20 - - they - - they see someone they don't like,
21 and it just ends up happening outside, before you
22 get out there - -

23 VICE-CHAIRMAN HERRON: Well, to be
24 quite honest with you, Mrs. Mata, you haven't
25 done a very effective job at telling the

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1 committee why we would or why these issues that
2 are on your police report occurred and how you
3 would - - what you would do to prevent them from
4 occurring in the future. So we're only left to
5 believe that what we see is what's occurring,
6 that you don't have a control over it. I don't
7 know what Alderman Bohl's motion is, but it seems
8 to me that if you - - And it's instances like
9 this, as a licensee, it's really your
10 responsibility to try to articulate on each one
11 of these instances why it occurred and why it
12 wouldn't occur again. And if you're not doing
13 that, then we have no choice but to assume what
14 the alderman said is correct.

15 THE APPLICANT: Okay.

16 VICE-CHAIRMAN HERRON: So - -

17 THE APPLICANT: Get more security. I
18 have to get more security, I mean, I - - I
19 haven't had any incidents lately. We've really
20 been - - been on everything. I mean, half the
21 people are gone. A lot of people don't even come
22 to our place like they used to. Because we don't
23 let a lot of people in like - - We know who the
24 troublemakers are. We just - - They're not
25 allowed in there. And we are trying.

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1 VICE-CHAIRMAN HERRON: Is there
2 anything else you want to add before this matter
3 goes into committee?
4 THE APPLICANT: I would like one more
5 chance, if I can get it.
6 ALDERWOMAN CAMERON: Mr. Chairman,
7 before you go into committee.
8 VICE-CHAIRMAN HERRON: Alderwoman
9 Cameron.
10 ALDERWOMAN CAMERON: Would - - Why - -
11 I think what you're trying to say, or am I wrong
12 or right, are you saying since these incidents
13 happened have you beefed up your security?
14 THE APPLICANT: More security and
15 there's a lot of people we don't let in there
16 that used to come in.
17 ALDERWOMAN CAMERON: Are you - - Are
18 you doing, for example, the people that you used
19 to let in, you don't let in anymore. Do - - Are
20 you having someone at the door to check, card,
21 you know, card your residents that - -
22 THE APPLICANT: Oh, yeah.
23 ALDERWOMAN CAMERON: - - I mean, your
24 customers.
25 THE APPLICANT: Yes, they do.

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1 ALDERWOMAN CAMERON: And do you have a
2 security person at the door when they come in?

3 THE APPLICANT: I have three security
4 people out there.

5 ALDERWOMAN CAMERON: And so you have
6 did some - - set some security message in place
7 since the last incident.

8 THE APPLICANT: Uh-huh.

9 ALDERWOMAN CAMERON: That's what, you
10 know, we want to hear, what are you doing to
11 prevent the incidents that's in this report, or
12 are you, you know - -

13 THE APPLICANT: We have done - -

14 ALDERWOMAN CAMERON: Huh?

15 THE APPLICANT: We've done a lot since
16 then. I mean, like I said, we've got more
17 security, and they're really strict at the door,
18 and they know who to let in and who not to let
19 in. We're looking for an older crowd now. We
20 don't want

21 - - We're tired of this. I mean, I'm tired of
22 it. I don't want to lose my license. You know,
23 people can't respect my place.

24 VICE-CHAIRMAN HERRON: All right.

25 MR. SCHRIMPF: Mr. Chairman. I want to

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1 make clear. Are you saying that you want to
2 continue to seek a tavern/dance license or do you
3 wish not to have the tavern/dance license?

4 THE APPLICANT: I would like to have
5 the tavern/dance license, if I'm allowed.

6 MR. SCHRIMPF: Okay. Mr. Chairman, I
7 should, therefore, inform the committee that
8 technically the notice has gone out advising her
9 of her Class "B" tavern and has not referenced
10 the Class "B" tavern/dance.

11 ALDERMAN BOHL: Mr. Chairman.

12 VICE-CHAIRMAN HERRON: Hold on one
13 second, Alderman Bohl.

14 MR. SCHRIMPF: I think Mr. Copeland is
15 checking it.

16 VICE-CHAIRMAN HERRON: Let's get some
17 clarification. Because if that's true, then
18 would her tavern/dance be before us?

19 MR. SCHRIMPF: No.

20 VICE-CHAIRMAN HERRON: So only her
21 tavern.

22 MR. SCHRIMPF: What?

23 MR. COPELAND: Did she waive the
24 notice?

25 MR. SCHRIMPF: She waived - - Well, she

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1 waived the notice, but that is true, but the
2 point of the matter is the notice as it went out
3 referenced only the tavern license, not the
4 tavern/dance.

5 VICE-CHAIRMAN HERRON: So we're going
6 to wait one minute and get some clarification
7 from Licensing Division on this before we
8 proceed.

9 MR. COPELAND: Yes, Mr. Chairman, I'm
10 afraid Mr. Schrimp is correct. The notice is a
11 Class "B" tavern renewal application as agent for
12 "Cancun, Inc."

13 VICE-CHAIRMAN HERRON: Okay. So what's
14 before us is the tavern portion, not the
15 tavern/dance portion. That was not noticed.

16 ALDERMAN BOHL: Mr. Chair.

17 VICE-CHAIRMAN HERRON: Which means we
18 won't be able to - - I don't - -

19 ALDERMAN BOHL: Point of clarification.

20 VICE-CHAIRMAN HERRON: - - And
21 assume - - Let me just make sure I'm correct
22 here. I assume then that we can't take any
23 action on that license.

24 MR. SCHRIMPF: That is correct.

25 VICE-CHAIRMAN HERRON: And the only

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1 action that we would be able to discuss is the
2 tavern license, which we've already been around
3 the - - Go ahead, Alderman Bohl.

4 ALDERMAN BOHL: Point of clarification
5 here. I - - I would like to have a better
6 understanding at this point. If the Class "B"
7 tavern is the only item that is before us here
8 today, does - - What does that mean - - What does
9 it mean - -

10 VICE-CHAIRMAN HERRON: It means you can
11 suspend the tavern - - You can non-renew the
12 tavern, but she would still have her tavern/dance
13 license. So no matter what you did today,
14 nothing's going to change.

15 ALDERMAN BOHL: Is that - - Is that,
16 indeed, correct?

17 MR. SCHRIMPF: That's right. Because
18 she has waived the notice, but the notice
19 referenced only the tavern license, not the
20 tavern/dance.

21 ALDERMAN PAWLINSKI: Well, Mr.
22 Chairman.

23 VICE-CHAIRMAN HERRON: Alderman
24 Pawlinski.

25 ALDERMAN PAWLINSKI: Look, I'm sorry.

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1 And you could find, if you want to, a loophole in
2 every single application that probably comes
3 before us if you're looking for a reason and
4 excuse not to take action punitively against an
5 irresponsible owner. You could. You just could.
6 And I - - And I - - And I would ask what's the
7 renewal date on the tavern/dance then?

8 MR. COPELAND: It's the same as the
9 tavern.

10 ALDERMAN PAWLINSKI: Of course, it is.
11 Of course, it is, because it's tied together.
12 It's tied together.

13 ALDERWOMAN CAMERON: I agree.

14 ALDERMAN PAWLINSKI: We all know that.
15 Come on. It's common sense. We're all grown-
16 ups. We all know that it's a tavern and the
17 tavern/dance tied into the same application.

18 MR. SCHRIMPF: That is true, Mr.
19 Chairman, and in all due respect to the chairman,
20 the point of the matter is if you're going to
21 deal with a license, you have to give notice.

22 VICE-CHAIRMAN HERRON: I think that you
23 know, clearly we know that based on another case
24 that's coming before us relatively soon, and the
25 same issue arose where we dealt with a licensee.

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1 We gave them - - We asked them if they were ready
2 to hear some issues that they had not been
3 noticed on. They then went to court, got an
4 injunction, and - - and whatever we did was
5 overturned anyway. So - -

6 ALDERMAN PAWLINSKI: Well, can I just
7 make one more point, Mr. Chairman. I promise to
8 make it the last point.

9 VICE-CHAIRMAN HERRON: Sure. Go ahead,
10 Alderman.

11 ALDERMAN PAWLINSKI: If you look at the
12 police report, every incident takes place after
13 midnight. You know, there's an old saying that
14 says, "Nothing good ever happens after one a.m."
15 2:17 a.m., 2:05 a.m., 2:25 a.m., and two - - 1:31
16 a.m. and 2:17 a.m. Trust me. This is not when
17 people are there having dinner. Okay. This is
18 there when people are engaging in dancing, and
19 they have too much to drink, and then they go out
20 in the parking lot and they smash bottles and
21 create disturbances in my neighborhood.

22 VICE-CHAIRMAN HERRON: Unfortunately,
23 and we, as the committee, certainly understand
24 your concern about this establishment, as well as
25 the concern about the neighbors who have called

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1 you, sent you E-mails. Unfortunately, we are
2 guided by law on instances like this. And our
3 ability to deal with this is limited. I think we
4 do have the ability to deal with the tavern
5 portion of the license, however, I don't
6 personally think that would have any impact on
7 her ability to operate considering that she would
8 still have her tavern/dance license. I will take
9 motions from the committee now on her tavern - -
10 on her tavern license. If there is a motion, I
11 will take it. I, again, apologize to the
12 alderman of the area as well as the neighbors.
13 Unfortunately, this is a instance where our hands
14 are tied. Alderman Bohl, do you have a motion?
15 ALDERMAN BOHL: Thank you, Mr.
16 Chairman. I will let you know that my motion
17 would have been to - - to deny the tavern/dance
18 license. I think it's an unfortunate situation
19 here, but I believe that based on the police
20 record, based on the concerns that have been
21 brought forward to the applicant by the alderman
22 here over the last 15 months, that we have a
23 clear situation of a "lacks managerial style". I
24 think that we see these situations time and time
25 again where we have an applicant, who after

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1 problems occur, comes up and they want to do all
2 of a sudden, try to erase the problems that
3 occurred. I - - I think that it's too little,
4 too late in many respects. I'm not going to move
5 to deny the license here. I don't think that we
6 have a sufficient basis for that. However, I - -
7 I think that in many respects that the
8 applicant's attempts to do this is half-hearted.
9 And I - - And I say that based on the track
10 record that we've had before.

11 I think that some of these incidents
12 here are extremely serious. Clearly there has
13 been nothing that has been necessarily earth-
14 shattering. However, there have been a number of
15 fights. There have been some allegations of
16 gunshots. I think we have a powder keg that's
17 before us. And, you know, why is it that time
18 and time again we must wait as a body before
19 somebody is dead or bleeding on the streets,
20 before we say that this is a problem that - -
21 that has gone too far. I - - I, you know, if - -
22 if the applicant wants to go to an older crowd, I
23 would certainly encourage her to do so. However,
24 I think that at this point I would say that we
25 need to send a very stern message, not a soft

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1 message. I think that we need to send a very
2 stern message. We have several incidents in the
3 last year. There has been four fights, five
4 fights here in the last year and a half. I would
5 move at this point for a renewal of the license
6 with a 35 day suspension.

7 VICE-CHAIRMAN HERRON: Alderman Bohl
8 moves for a renewal with 35 day suspension. Is
9 there any additional comments on this?

10 Alderwoman Cameron, do you have a
11 comment?

12 ALDERWOMAN CAMERON: Yes, I do.

13 VICE-CHAIRMAN HERRON: Go ahead.

14 ALDERWOMAN CAMERON: I think that I - -
15 the 35 days is kind of harsh. I would go for
16 more of a 20 day suspension, Mr. Chairman, and I
17 know that the relationship with the applicant and
18 the alderperson, I really think that they should
19 try to work out and have some community meetings
20 so they can iron out their differences. And I
21 really do believe they do have some difference.
22 And I really do believe that she needs to hear
23 from her own ears about the neighbors and what
24 their concerns are about her business and how
25 they fear for their safety. That hasn't

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1 occurred.

2 So, again, we sometimes is asked to do
3 things that the aldermans of the district or the
4 representative of that district need to conduct
5 themselves instead of having us do - - be the
6 middle go-getter person, and I think this - - in
7 this case we should try to understand the
8 alderpersons and give her sort of a 35 day,
9 because even if we just go towards 30 - - 30
10 instead of 35 days, at least a month suspension
11 even, you know - -

12 VICE-CHAIRMAN HERRON: Just - - Just
13 for the committee's information, and members of
14 the audience, even with the 35 day suspension of
15 her tavern license, it won't result in her being
16 closed, because she will always have her
17 tavern/dance license just as a point of
18 clarification.

19 MR. SCHRIMPF: Well, no, no, no. If
20 the tavern isn't operating, she's not going to be
21 holding dances. She'll be able to run the
22 restaurant, but she won't be able to serve
23 alcohol.

24 VICE-CHAIRMAN HERRON: All right. Is
25 there any further comment on that? I just want

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1 to make a comment. It seems, Ms. Mata, that
2 you've escaped on a technicality. No different
3 than someone who has committed a crime but gets
4 off because of a technicality. That does not
5 mean that it wasn't done or that we don't take it
6 seriously. It means that in this body we operate
7 under the rules of the law. We would hope that
8 you would begin to conduct your tavern and your
9 facility under those same rules. I certainly
10 won't forget this instance for what happens in
11 your establishment. And I hope that you take and
12 heed our concerns seriously this time. Try to
13 work with the local alderman. Make sure that you
14 have the type of security and other things
15 necessary to have a safe place.

16 I think - - I think you've been clear
17 that you want a safe place. I think the
18 neighborhood deserves a safe place. And so I
19 would encourage you to reform yourself as quickly
20 as possible or next time I'm sure we'll make sure
21 that there's no technicality, that you can get
22 off on. Any other questions? Comments? In that
23 case, there's a motion for a 35 day suspension.
24 Is there any objection to that motion? Hearing
25 none, so ordered.

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1 ALDERWOMAN CAMERON: I object.

2 MR. SCHRIMPF: Ms. Mata, the committee
3 is going to be doing findings of fact and
4 conclusions of law, recommending renewal of your
5 Class "B" tavern license with a 35 day
6 suspension. The committee will send you copies
7 of those findings of fact. You'll have an
8 opportunity to submit written objections to those
9 findings of fact, as well as, appear before the
10 Common Council when this matter is heard on June
11 4th, 2002, one week from today at approximately
12 9:30 a.m. in the Common Council chambers of this
13 building. It's the same floor, but the other end
14 of the building. Do you have any questions?

15 THE APPLICANT: Yes, what do I do with
16 the parties that I have, like - - Now, I have a
17 50 year anniversary party. What do I tell them?
18 No, liquor - -

19 MR. SCHRIMPF: Ma'am, that's one of the
20 reasons I suspect why it's very important to keep
21 good management and control of your tavern,
22 precisely to avoid problems like that. The
23 Statute indicates that your license expires one
24 year from the date of grant by the Common
25 Council. And every tavern owner, every liquor

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1 store owner has to understand that one year from
2 the date of grant it comes up again. And if
3 events occur such that the committee is going to
4 non-renew or suspend the license, that is
5 something you have to bear in mind when you book
6 parties, which is a good reason why the tavern
7 shouldn't have problems in the last license year.

8 VICE-CHAIRMAN HERRON: Thank you.

9 * * * * *

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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 June, 2002

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