

"LaBORINQUENA"

SHEET 1 PAGE 1

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1
2 CITY OF MILWAUKEE
3 LICENSES COMMITTEE
4 *****
5 In the Matter of the Class "B" Tavern and Tavern
6 Dance renewal application with change of hours for:
7 "La Borinquena"
8 RAFAEL MOLINARI
8 1503 West Arthur Avenue

9 *****

10 COMMITTEE MEMBERS

11 ALD. JAMES BOHL - Chair
ALD. MILELE COGGS - Vice Chair
12 ALD. ASHANTI HAMILTON
ALD. T. ANTHONY ZIELINSKI
13 ALD. NIK KOVAC

14 LICENSING DIVISION by REBECCA GRILL
POLICE DEPARTMENT by P.O. TRACY TABIADON
15 OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

16
17 Proceedings had and testimony given in
18 the above-entitled matter, before the LICENSES
19 COMMITTEE OF THE CITY OF MILWAUKEE, on
20 the 17th day of November, 2009.

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1 renewal, and we do have no police reports. Let
2 me just go right to the point here and see, are
3 there any residents, any neighbors present here
4 to testify on the Class "B" Tavern and Tavern
5 Dance renewal application for 1503 West Arthur
6 Avenue. There are - - Okay, there are two
7 neighbors present. All right. What I will do,
8 Counsel, is I'll allow you an opportunity just to
9 give an opening statment for the committee while
10 it needs to know how long you - - how long that
11 Mr. Molinari has been operating here and what his
12 sort of rules, procedures are. After that, we'll
13 provide an opportunity for residents to come
14 forward, hear from Alderman Witkowiak to do a
15 retort, okay.
16 MR. SAUCEDA: Very briefly, thank you.
17 Mr. Molinari, this is his third go-around with
18 the licensing procedure. He lives next door at
19 1505 with his five children. He also works as a
20 machinist, and he has had this bar, as I said,
21 for about three years. He worked at the facility
22 for about three years prior to taking ownership
23 of that bar. He is a diligent owner, and I
24 believe that he has addressed or is attempting to
25 address the concerns of the neighbors. And I

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1 P R O C E E D I N G S
2 CHAIRMAN BOHL: Also in the 12th
3 District, Rafael Molinari, Class "B" Tavern and
4 Tavern Dance renewal application with change of
5 hours for "La Borinquena" at 1503 West Arthur
6 Avenue.
7 THE APPLICANT: Good morning.
8 MR. SAUCEDA: Mr. Molinari appears in
9 person and with Attorney Dave Saucedo, S-A-U-C-E-
10 D-A, who appears on behalf of Mr. Molinari. Good
11 morning, everyone.
12 CHAIRMAN BOHL: Good morning. Thank
13 you. Thank you for stating your appearance here.
14 And for the Applicant, if you could raise your
15 right hand, we'll swear you in right away.
16 (Where upon the Applicant was sworn.)
17 CHAIRMAN BOHL: And for the applicant,
18 do you acknowledge receiving notice of today's
19 meeting with the possibility your application
20 could be denied. There is an attached police
21 report. Oh, I take that back. No police report.
22 There's a possibility of denial based on an
23 assortment of neighborhood objections.
24 THE APPLICANT: Yes.
25 CHAIRMAN BOHL: Thank you. This is a

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1 guess I will let the - - the neighbors speak, and
2 I'll address my remarks at their conclusion.
3 CHAIRMAN BOHL: Thank you. If we
4 could, I believe I saw two individuals who are
5 here to testify. We've been through this before,
6 so if you - - if you would raise your right hand,
7 we'll swear you - - Actually, Ms. Palma, you've
8 already been sworn in, so.
9 (Whereupon the witnesses were sworn.)
10 CHAIRMAN BOHL: And, Pastor, if I'm not
11 incorrect here, if you could, again, provide us
12 your name and address for the record, and your
13 testimony.
14 THE WITNESS: My name is Chester
15 Schmear, and I live at 1436 West Arthur Avenue.
16 That's where our church is. I live in the
17 parsonage above the church.
18 CHAIRMAN BOHL: And your testimony.
19 THE WITNESS: Well, to save the
20 committee time, the testimony hasn't changed.
21 Every time there's a license renewal we come
22 here, and we complain about the noise that wakes
23 us up in the middle of the night. We continue to
24 hear that those things are going to be addressed.
25 Nothing has changed in the last year, per se. We

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1 have been told that there would be security, that
2 there would be other things going on. There's
3 nothing basically changing. I have no problem
4 with somebody having a bar. Some people think
5 Pastors are against alcohol. If you do your
6 homework, the Bible does not condemn alcohol. It
7 condemns the abuse of alcohol. So I don't have a
8 personal invested problem. I would be upset if
9 he was running a construction company, and
10 running his jackhammers at midnight, at two
11 o'clock in the morning. It's the noise that
12 wakes the neighborhood up. I'm kind of sad
13 there's only two people here, but I know there's
14 e-mails that have gone out, and there's much
15 concern in the neighborhood. I believe that if
16 this man really wanted to, he could do and - -
17 and put forth more effort to have people
18 reminding the people that leave, that they are in
19 a residence. They're not walking out on
20 Wisconsin Avenue or Oklahoma Avenue. There is no
21 other business in that area for at least a block
22 or two, except homes. And it might be
23 surprising, but people actually do sleep at two
24 o'clock in the morning and would like to continue
25 to do that. I think you can, I guess, to be real

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1 blunt, you can get so drunk that you can't stand.
2 Please crawl home quietly. You don't have to
3 make noise. You have to respect - - You should
4 have some human respect for the people around
5 you. And I don't think that's asking too much.
6 CHAIRMAN BOHL: The only question I
7 have for you is regarding the noise. Is it - -
8 Is the noise a greater part, the noise of patrons
9 who are just loud as they're exiting, and too,
10 the slamming of cars, kind of the yelling out of
11 the - - and driving away too fast, screeching
12 tires. Some of these tavern dances, and maybe
13 the noise relating to the music of the bar?
14 Which is it or is it both? If you could just
15 please further clarify that.
16 THE WITNESS: There is the noise, but
17 the noise that wakes me up, the noise that is
18 higher in volume is usually at closing or if a
19 group of people leaving before closing, they
20 can't seem to, what should I say, realize that
21 they're out of the bar and there's residences,
22 and to just tone it down. So it's - - It's just
23 when there is noise in the bar, there is loud
24 music in the bar, it seems that everybody's
25 volume elevates and they can't adjust when they

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1 walk out the door. And it would really be nice,
2 and I think it could be done, if you have a man
3 or two standing out there, going there's people
4 sleeping, okay, and encourage these people to
5 have some respect. But basically, for my
6 problem, it's generally those that come out from
7 the bar, more at closing time, but if there's a
8 group that comes out. It could be 11 o'clock, it
9 could be 12 o'clock, it could be one o'clock. If
10 there's a group that comes out, they'll just
11 hooting and hollering and talking loud and
12 there's other things that go on, I don't see. And
13 I know Dawn has a little more information on
14 that, but it's - - it's just disrespectful.
15 CHAIRMAN BOHL: And how often does - -
16 is this still occurring, if I may ask?
17 THE WITNESS: Well, I have sent e-mails
18 to - - to Jim and Mike there. I would say
19 roughly, it's every week. Saturday night is - -
20 is the night. It's not every night. I - - I
21 must be honest. It's not every night. And it's
22 not every Saturday night that I'm woken, because
23 if I - - I'm a sound sleeper, and if I've had a
24 long day, I - - it might get by me. But there's
25 others that are awakened. I see my neighbors,

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1 they say, did you hear the noise last night. And
2 I have to say not really. And that doesn't mean
3 there wasn't any noise. It just means I slept
4 through it. But there is nobody out there trying
5 to control it. I think that's a simple way to do
6 it. And we have had that promised to us every
7 time we come here. We hear that, oh, we're going
8 to address the issue, just like I heard this
9 morning with a few other people. I'm just
10 sitting there and going, yeah, I know how far
11 that goes. I may, you know, and - -
12 CHAIRMAN BOHL: It kind of frustrates
13 me, because this has sort of been ongoing with
14 this establishment for years and years and years.
15 and - - And I know that you came as actually part
16 of the larger group over the years, and there was
17 - - there was just a warning letter that was
18 given last year. And, you know, I - - The one -
19 - The one thing that I always will say is a lot
20 of times it's aldermen on this side of the table
21 who will say, well, I don't see a police report.
22 The one question that I'll - - that I'll ask, I
23 guess, either one of you to - - to address at
24 this point is have there been occasions on which
25 either one of you have called the police

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1 department?
2 THE WITNESS: Absolutely.
3 CHAIRMAN BOHL: And the - - the only -
4 - My only retort to that and - - and this is why
5 I actually, as - - as a - - Well, what I'll say
6 as an active member of this committee and
7 Alderman Witkowiak certainly was - - put a lot of
8 time in here on this committee, as well, too, is
9 is when there are neighbors who will come in and
10 will testify that they're having repeated
11 problems, it's worth its weight in gold to me.
12 It really is. I take that very, very seriously,
13 and I'm not dismissable to the fact that we don't
14 see a bona fide "police report." Because what I
15 do know is a lot of times on these busy nights,
16 these Saturday nights, we're talking about
17 typically may be the busiest night for the
18 Milwaukee Police Department. A loud noise call
19 are going to be a priority four, a priority five
20 call, at which many - - at which most occasions
21 on those busy nights, the police department is
22 going to respond in hours, if not call you back
23 at four in the morning, after you made the call
24 at 1:30 and say, this is Joe Smith from the
25 Milwaukee Police Department. We have a squad

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1 that's freed up. Are you still having a problem
2 with the loud noise? You've experienced this
3 loud noise for the last hour and 15 minutes.
4 Finally, the bar closes, experience and 15
5 minutes later in spite of calming down, and now
6 it's calmed down. Now you get a call from the
7 police department half an hour later. Okay, then
8 they actually will say, well, we don't need the
9 dispatch. And so it doesn't show up on the
10 police report. It doesn't mean that there aren't
11 massive problems. It's just that when the police
12 department is prioritizing their resources, this
13 isn't the highest of priorities, even though it
14 doesn't mean that your quality of life isn't
15 severely impinged by that. And after hearing
16 that over and over again, residents get
17 frustrated. So that's why I want to just convey
18 to the committee, that I don't want the committee
19 just to say, well, hey, there's no police report.
20 There's the fact that you have residents that are
21 willing to come forward here time and time again,
22 sit through all these hours, to relay their
23 frustrations that things aren't improving. To
24 me, I take that very, very seriously, and my hope
25 is that the committee does, as well, too. So

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1 thank you for your testimony. Were there any
2 questions that committee members have of this
3 witness? Thank you.
4 MR. SAUCEDA: May I ask - -
5 CHAIRMAN BOHL: Yes, you can. Yeah,
6 certainly.
7 MR. SAUCEDA: Paster Schmeier, when you
8 moved to the neighborhood, was there a bar at the
9 present location?
10 THE WITNESS: There was.
11 MR. SAUCEDA: Nothing further.
12 CHAIRMAN BOHL: Thank you. Ms. Palma,
13 your testimony, please. If you - - Also, if you
14 could provide your address again.
15 THE WITNESS: Okay. My name is Dawn
16 Palma. It's 2487 South 15th Street. What Pastor
17 said, the problems have not stopped. We get
18 promises and promises. Nothing happens. He
19 hasn't made an effort. He doesn't talk to the
20 neighbors. He has a manager that runs the bar.
21 He is rarely in the bar. And actually, I can
22 say, this past Saturday, I was in the Emergency
23 Room, and I had been out at 2:15. And when I got
24 home, the bar supposedly was closed. So I sat in
25 my truck and watched, because you could still see

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1 lights on. I was in the truck ten - - ten
2 minutes. All these guys came out of the bar.
3 And a couple little, well, what my daughter
4 calls, poochie moms came out behind them. All of
5 the screaming, and all of the yelling, and
6 whistling at the girls. And I understand
7 Spanish, so I understand what they were talking -
8 - telling her and stuff. That is nasty. I don't
9 care where you are. That is a residence. That
10 you don't - - do not do. You don't make that
11 much noise - - And I actually got out of my truck
12 and stood right in the middle of the street to
13 see if they would stop. And they still didn't
14 stop. His manager came out, poof, right in
15 there. So he hasn't done anything to - - to
16 change the problems. There's drug trafficking in
17 there constantly. Tuesdays, that's unemployment
18 day. So you know when the guys go in there, it's
19 because they got their unemployment check, and
20 actually I know two of the guys that personally
21 go in there that are friends of my boys, ex-
22 friends. There's too much problems. He has not
23 done anything. He doesn't go out at night, ten,
24 11, 12 o'clock at night to see if that music is
25 loud. It is loud.

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1 Two and a half week - - Three weeks ago
2 I had surgery. I came home at nine o'clock at
3 night. They drugged me up with morphine, and I
4 asked them to do that so I could sleep. Oh, no.
5 12 o'clock, and I don't know how many girls came
6 out of that bar. They were screaming and woke me
7 up. Ever since - - it's like having - - I can't
8 sleep, because on the weekends, Fridays and
9 Saturdays, especially, they're the worst. That's
10 disrespectful. I'm sorry. I own my house. I do
11 want sleep, and I don't want the kids, and
12 especially with my tenants upstairs, that they
13 have to hear that. That's not right. And I - -
14 And I - - I hate to say this, I'm sick of coming
15 here. We shouldn't have to keep on coming here.
16 You should make the effort, if you want a
17 business to be run and you want us - - You
18 haven't called. You haven't talked to any of us
19 to stop the problem. It's gotten - - You still
20 have guys driving up on your - - your - - by your
21 garbage cans with motorcycles up on the sidewalk,
22 still. And he thinks it's a joke. Because I
23 said something to him. So guess what? I'll keep
24 coming here. It's a pain, but I'll keep on
25 coming here, because I own my house. And I don't

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1 want this to happen no more. And I have respect
2 for my neighbors. You don't. Because you
3 haven't done anything to change it.
4 CHAIRMAN BOHL: Thank you. Questions
5 by committee? Ms. Palma, how many times would
6 you estimate in the last year alone you have
7 called the police department?
8 THE WITNESS: Every time I call, it's
9 like two, three times a month. What do they tell
10 us? Well, we're really busy. The same thing
11 what you said, Fridays and Saturday nights, we're
12 busy. We'll give you a call. And like you said,
13 by the time they get here, and I'll sit out there
14 on my porch during the Summer and wait for the
15 police to get there. It's a couple hours later.
16 What's the big deal then. It's already done.
17 They're already gone. I call. During the Summer
18 it's worse. During right now, I called two weeks
19 ago. What they tell me, oh, we're really busy.
20 This past Saturday, too, I called, because we
21 didn't know, it was like a bunch of shots. Right
22 after those people left his bar on Saturday,
23 there was like eight shots. It actually sounded
24 like it was next to my house. It woke my
25 daughter up. She cried, was crying. We thought

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1 it came from his bar. Because that was the only
2 bar - - That was the only place that had any
3 people around it. And when we called, they said,
4 well, we'll - - we'll see, we'll send a squad.
5 We're really busy right now. I get that - - I
6 get that all the time.
7 CHAIRMAN BOHL: That - - You're
8 speaking when you say "shots," you're - - you
9 believe this is the sound of gunshots. Is that
10 correct?
11 THE WITNESS: Oh, yeah. Oh, yeah. My
12 tenants came downstairs, knocking on my door,
13 thinking that there was somebody in the backyard
14 pounding on my door. That's how loud they were.
15 And I - - I thought they came from the bar,
16 because that was the only place when I got home,
17 that there was anybody around at anyplace. And
18 it's not the first time that they've had
19 problems. I mean, the guys come out and they're
20 fighting, or you can tell they're drunk. You
21 really can't tell, but if - - I'm not going to
22 sit out there until two, three o'clock in the
23 morning. I shouldn't have to do that.
24 CHAIRMAN BOHL: You - - You have
25 testified, I recall this, in the past that there

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1 have been fights where you - - you - - If my
2 recollection serves me correctly, you said you
3 heard the crack of somebody getting whacked.
4 THE WITNESS: We've heard fighting.
5 But that's - - That, I don't think it was me, but
6 there's been fights out there. There's fighting.
7 CHAIRMAN BOHL: The - - The
8 motorcycles?
9 THE WITNESS: Yes.
10 CHAIRMAN BOHL: Summer months, are they
11 still an issue in the neighborhood here? I know
12 you - - you have testified or reiterated that
13 they're still parking on the sidewalk. Is that
14 correct, here?
15 THE WITNESS: There's especially one of
16 them that still parks up there. And if I say
17 something when he comes home, he says, everybody
18 in that whole area where we are right now, the -
19 - my boys even say something, and he like - - he
20 likes just laughs it off. So if he does it,
21 imagine what the other people in the bar do.
22 They don't care either. During the Summer, the -
23 - the motorcycles think it's funny to let the
24 alarms go off on the - - on the vehicles at two
25 o'clock in the morning. And that's revving

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1 motors. That's just disrespectful.
2 Disrespectful.
3 And like - - like he said, let's
4 suppose he's - - he's trying to make efforts. If
5 he's made efforts, why hasn't he come and talked
6 to us. He has no clue. Half the time he's not
7 in the bar. He has his manager. He has a
8 manager that runs his bar. His manager is right
9 in there with the rest of them. And I just saw
10 him this past Saturday.
11 CHAIRMAN BOHL: You have made comments
12 regarding drug dealing.
13 THE WITNESS: Oh, yeah.
14 CHAIRMAN BOHL: Could you - - Could you
15 substantiate this or what you have - - have
16 witnessed, as opposed to making just a - - a
17 blanket statement?
18 THE WITNESS: Well, I think - -
19 First - -
20 CHAIRMAN BOHL: If you'd use the
21 microphone here.
22 THE WITNESS: First, I can't find the
23 notebook that has the plate numbers of two
24 specific cars that come every Tuesday. They're
25 very well known for coke. And the word, the

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1 lived in the neighborhood and owned my house for
2 12 years. You know what goes on. Just by seeing
3 and watching the activity that goes on around the
4 bar, and who the people are.
5 ALDERMAN ZIELINSKI: Mr. Chairman.
6 CHAIRMAN BOHL: Alderman Zielinski.
7 ALDERMAN ZIELINSKI: Yeah. You
8 mentioned something about a bar on 13th Street.
9 Which - - Which bar are you referring to?
10 THE WITNESS: Johnny's.
11 ALDERMAN ZIELINSKI: Okay. I just want
12 to know.
13 ALDERMAN KOVAC: Mr. Chairman.
14 CHAIRMAN BOHL: Alderman Kovac.
15 ALDERMAN KOVAC: You said that you can
16 see them doing it by the dumpster.
17 THE WITNESS: Oh, yeah.
18 ALDERMAN KOVAC: You have seen people -
19 -
20 THE WITNESS: I have.
21 ALDERMAN KOVAC: - - throwing cocaine
22 in the dumpster?
23 THE WITNESS: No, I've seen it. I've
24 seen it. There's a dumpster that's parked right
25 - - In fact, they park right next to the front

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1 rumor is, and this is actually from somebody that
2 goes into the bar, that he's stolen their cocaine
3 business off of Jack, off another bar that's down
4 on 13th. So it's so funny that on Tuesday
5 nights, like tonight, the bar is pretty well
6 packed, because - - And you can see them. They
7 come outside, and then go by the garbage can,
8 too. And you know who it is that's going in
9 there, because it's the same persons every
10 Tuesday and Thursdays.
11 CHAIRMAN BOHL: They're coming out of
12 the - - the bar?
13 THE WITNESS: In the bar, and I'm very
14 sorry, but you don't go in a bar for like a
15 minute, and then come back out. You don't go
16 into a bar for - - I just - - I can't see going
17 into a bar for a minute and then coming back out.
18 Everybody knows. It's - - It's a big rumor around
19 the neighborhood that on Tuesdays and Thursdays
20 it's drug night at the bar. So if you want
21 anything, you go in. I hate to say that. I
22 already asked one of my boys to go in there or
23 send one of their friends in to see, but I'm not
24 putting my kids at risk going into the bar, or
25 their friends. It's very - - You can tell. I've

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1 entrance. It's right there.
2 ALDERMAN KOVAC: And what do you see?
3 And you see what?
4 THE WITNESS: First, they got their - -
5 the guys, when - - after they've been in there,
6 it's mostly around later, and the guys, after
7 they've been in the bar for a while, especially
8 on Saturdays, that they'll come out, and you can
9 see. There's two or three of them, and they're
10 all hang around there. I mean, this - - this - -
11 The fact is not just - - I'm not that dumb. It's
12 like the same time.
13 ALDERMAN KOVAC: So you see - - So you
14 see people - - You see three men together, and
15 you see them moving out there. But you didn't
16 actually see - -
17 THE WITNESS: On two - - I mean, we've
18 gotten to the point right now that the couple - -
19 the two neighbors behind us, and myself, we're in
20 the process of investigating on purchasing video
21 cameras. But it's going to cost us 600 dollars
22 and why - - I'm kind of thinking, why do I have
23 to spend 600 dollars to watch his bar. I mean,
24 every - -
25 ALDERMAN KOVAC: We don't have - - We

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1 don't have a police report. So your - - your
2 testimony is important. I mean, I'm not saying
3 that you don't have to the right to see what's
4 going on. So, what have you definitely seen?
5 THE WITNESS: I have seen them doing
6 coke in front. I can't - - I mean - - My ex-
7 husband - - Put it this way. My ex-husband was a
8 - - a drastic coke dealer, a coke dealer and a
9 user, and I saw it for how many years married to
10 him. I'm not that dumb.
11 ALDERMAN KOVAC: Okay. So you're
12 saying there's abuse, okay. Thank you.
13 CHAIRMAN BOHL: The other - - The other
14 tavern that she made mention of was busted with
15 cocaine running in and out of the place, just so
16 you're aware. Pastor?
17 THE WITNESS: Last time I was here, I -
18 - I was trying to shorten your time, and I did
19 bear witness to that. I have personally seen,
20 during the daytime, people smoking a joint or a
21 bong, because people who smoke cigarettes don't
22 hold their breath and hand it to somebody else.
23 We all know what's going on. I - - I wasn't down
24 there to smell it, but that's what I saw.
25 CHAIRMAN BOHL: And these individuals

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1 calling as a Pastor of your church?
2 THE WITNESS: Yes. We found a building
3 that was reasonable and we bought it, and then,
4 there's a lot of other things going on in that
5 neighborhood besides the bar. We've had two
6 people killed in that neighborhood, so.
7 MR. SCHRIMPF: That concludes my
8 questions.
9 CHAIRMAN BOHL: Thank you. Additional
10 questions by committee?
11 MR. SAUCEDA: I have a follow-up with
12 that - -
13 CHAIRMAN BOHL: Um-hnh.
14 MR. SAUCEDA: - - answer. So when you
15 say you found the building, you could have moved
16 your church anywhere. Is that correct?
17 THE WITNESS: That is correct. We
18 chose to go where the problems were, and not some
19 quaint little place in the woods, because what we
20 have is what the people need for their problems.
21 So we're not running away from the battle. But
22 yet, as a citizen, I don't have to be woke up at
23 two o'clock in the morning. No matter what - -
24 what - - where I'm living, unless I'm living on
25 Wisconsin Avenue, of course. But this is a

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1 that are patrons of the bar here?
2 THE WITNESS: Yes.
3 CHAIRMAN BOHL: So they're - - they're
4 exiting the bar, and - -
5 THE WITNESS: It's hard to tell whether
6 - - this, you know, nobody's worried about
7 anybody seeing them smoke a cigarette. But
8 there's this, you know, and everybody knows
9 what's going on. And I have personally seen it,
10 at least, twice, in the last two years.
11 CHAIRMAN BOHL: Okay.
12 MR. SCHRIMPF: Mr. Chairman.
13 CHAIRMAN BOHL: Mr. Schrimpf.
14 MR. SCHRIMPF: Thank you. I have one
15 question of the Pastor. A question was put to
16 you before about whether or not you moved there
17 after the bar was already there. Do you remember
18 that?
19 THE WITNESS: Yes.
20 MR. SCHRIMPF: Are you living in that
21 location because that happens to be the
22 parsonage?
23 THE WITNESS: Yes.
24 MR. SCHRIMPF: And was the parsonage a
25 residence, having the parsonage part of your

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1 residence.
2 THE WITNESS: Just the - - The bars
3 that were prior to him getting this, uh-uh, there
4 wasn't as many problems. And then there was a
5 certain period of time when the bar was closed.
6 So all - - It can - - When I first moved there,
7 it was open. We - - When we had problems, we
8 just went and talked to the person. And I don't
9 know who it was at that time, but I know that the
10 lady next door did - - wasn't afraid to go and
11 talk to the owner of the bar. There wasn't any
12 problems. It was even nicer when the bar was
13 closed. But not this many problems.
14 CHAIRMAN BOHL: I will just say I'm
15 really frustrated, Mr. Molinari. Because I think
16 that you have had - - We were here last year with
17 the same comment and it was the promise of, well,
18 I'm going to work to improve the - - the
19 communications to make sure the problems aren't
20 there, to be visible. And nothing. Nothing.
21 And as I said, it - - it - - I understand it
22 frustrates me with the police report, but I'll
23 just tell you right - - as of right now, I don't
24 intend to support a renewal of your place. I'm
25 that frustrated with it. Because I think you do

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1 nothing, nothing. It's, to me, just - - And in
2 the past, we've had other individuals present
3 here to testify. And you know what? That's why
4 I sort of made this comment about the calls to
5 police and why these calls don't get answered.
6 But it doesn't matter. It doesn't matter,
7 because it doesn't impinge on - - on, you know,
8 people sometimes don't have the luxury of being
9 able to - - to force the Captain to send a squad
10 to answer people screaming. But when this
11 happening over and over and over again. Any
12 questions by committee? Alderman Witkowiak?
13 ALDERMAN WITKOWIAK: Thank you, Mr.
14 Chairman, members. You may - - You know I have a
15 significant number of licenses in the 12th
16 District, and I have to say that this particular
17 license over the years has drawn a significant
18 amount, if not the most, complaints from the
19 residents around. Part of it is just its
20 proximity. It is smack dab in the middle of a
21 residential neighborhood. One of those places
22 that probably worked 80 years ago, where it was
23 an extension of the family that lived there, and
24 they - - and they served chili and hamburgers for
25 supper, and was the definition of a tavern, is

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1 says we went in the place as an undercover bought
2 cocaine in the place. I mean, that's a big deal.
3 But you get - - You get a lot of these calls
4 where the - - again, it's a low priority call.
5 Noise, Friday, Saturday night. By the time the
6 police show up there it's dissipated. And either
7 they get - - Either they get a mild report or no
8 report, based on that. But I'll tell you what,
9 this - - this - - The continuance of this
10 establishment just is not working in this
11 neighborhood. These are the most credible
12 witnesses that I've had come to committee
13 hearings in years.
14 I've walked that neighborhood several
15 times. I witnessed this. About a year, a little
16 over a year ago, I sat down with the - - with the
17 Applicant here, and - - and I said, if you
18 address these problems, you can probably continue
19 to operate in this - - in this neighborhood. If
20 you don't address these problems and they're not
21 taken care of, if these constituents continue to
22 come forth and say, we still have noise, we still
23 have problems, this and that, yeah, there's no
24 way that I can support this license. So I'm at
25 that point right now. I don't think the, for

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1 probably closed at 9:30, ten o'clock every night.
2 And everybody went off to work the next day, and
3 everything was fine. It does not - - It does not
4 fit now.
5 You may recall, and some of these
6 people are down here for like the third, fourth
7 year in a row, and we had quite a few more people
8 who came and testified previously. Some of those
9 people have given up, thinking nothing will go
10 on. And if you recall, you might want to look
11 back, I asked the committee at the - - at the
12 last hearing, a year go, not to renew this
13 license. And everybody said, well, you know - -
14 you know, we don't have a police report, this and
15 that. I hope some members of the police
16 department are watching this, saying that we - -
17 And we, you know, we have to pay attention to
18 these calls that people make about - - about
19 taverns, and get things on the record. But that
20 shouldn't influence the fact, you know, I - - You
21 know how many years I sat on this committee, 12
22 or 14 or something. To me, bona fide testimony
23 from a resident that lives close by to a place is
24 worth more to me than a police report. Once
25 again, you know, I mean, unless the police report

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1 whatever - - whatever they're going to say, I
2 don't think these problems have been addressed.
3 I have constituents here giving - - that live
4 across the street, giving this kind of testimony.
5 And if this license is allowed to continue, I can
6 guarantee you that this behavior will continue,
7 and we'll be here a year from now at the same
8 time. So, I'd ask the committee not to renew
9 this license.
10 CHAIRMAN BOHL: Thank you, Alderman.
11 Questions by committee members of Alderman
12 Witkowiak.
13 Counsel, any - - any questions and what
14 I'll do is I'll allow you to, if you do or don't
15 have any questions, after that, to provide any
16 additional statements, summaries, anything else.
17 MR. SAUCEDA: I would like to ask Ms.
18 Palma, so your sworn testimony is that you've
19 called police two or three times a month for this
20 entire year?
21 THE WITNESS: Yes.
22 MR. SAUCEDA: Okay.
23 CHAIRMAN BOHL: Is there anything
24 further?
25 MR. SAUCEDA: I'd like to make a

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1 closing statement.
2 CHAIRMAN BOHL: Yes, please. This is
3 your opportunity.
4 MR. SAUCEDA: Members of the committee,
5 we have widely divergent testimony given by two
6 neighbors to this tavern. The Pastor began by
7 saying that it's sporadic, not every week, mostly
8 Fridays or Saturdays. The second witness is now
9 making this out to be as if it's the cradle of
10 all sin, two or three times a week, drug
11 dealings, gunshots, rumors, and has called police
12 two or three times a month, as is her testimony.
13 However, the call summary for this calendar year
14 shows three police calls, one in April, one in
15 May, and one in September. That is the year to
16 date number of calls on record for the year 2009.
17 And that is a marked improvement from 2008, where
18 there were 12 calls for the same establishment.
19 So there has been improvement over the last year.
20 And may not - - I don't know what could be done
21 to change the opinion of the two witnesses. I
22 would believe that nothing could be done, short
23 of closing the doors to make them happy.
24 However, this bar has been there for quite some
25 time.

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1 turned off at one o'clock or 1:30 p.m. on Fridays
2 and Saturdays. That is what Mr. Molinari has
3 initiated. The bar was in operation for many,
4 many years. I know - - know that the tavern
5 business does change, and it's not just a, you
6 know, ten guys from Ladish sitting on a stool
7 having a ham sandwich. But nonetheless, it is a
8 tavern that has been in operation for many years,
9 and Mr. Molinari is a neighbor. He lives next
10 door, and he cares about the neighborhood.
11 The police reports, there are none on
12 file, and I understand that the witness testimony
13 should be given greater credence than the lack of
14 police report, and I commend the neighbors for
15 taking advantage of the opportunity for public
16 comment. However, this is Mr. Molinari's
17 livelihood. These comments and - - and
18 observations are clearly not the worst comments
19 that I have even heard this morning, relative to
20 the - - to a bar. There are many bars in
21 Alderman Witkowiak's district. That is correct.
22 I don't think that this is a license that should
23 be pulled. I think that the license should be
24 renewed. If there are any sanctions that the
25 committee feels are appropriate, I think, you

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1 Mr. Molinari lives next door. He's not
2 living in Bayside and running this establishment.
3 He lives next door. He has five children that
4 live next door. He has invested in this
5 community. His kids lay their heads on a pillow
6 in the same neighborhood that these two witnesses
7 do. I don't think he is a father that would
8 jeopardize his children's well-being by keeping
9 them up to all hours of the evening. And they
10 live closer than the two witnesses that are here
11 to testify.
12 Mr. Molinari has a doormen on staff.
13 They don't allow bottles or drinks out, and only
14 legal patrons enter. This is on Fridays and
15 Saturdays. I have not heard any complaints of
16 littering or other public nuisances that would be
17 related to anything other than drunken people
18 egressing the establishment. And I'm afraid that
19 the sign on the door says, open, not, welcome. A
20 bar owner cannot pick and choose who pulls on the
21 door. So, he has taken efforts, and by two
22 divergent accounts, there has been some success
23 in that there is not a repeated noise violations.
24 They're sporadic, not every week, according to
25 some testimony given this morning. The music is

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1 know, I'll leave that to your learned discretion.
2 However, I don't believe that a rejection or a
3 suspension of this license is appropriate. Mr.
4 Molinari has taken measures to improve and
5 quantifiable evidence indicates that improvements
6 have been made.
7 CHAIRMAN BOHL: Thank you. Counsel, a
8 couple comments. My couple comments are this
9 much. You indicate that a bar owner does not
10 have a say who pulls on the doorknob. Maybe not
11 originally, but I think that we all know who
12 creates problems and is loud over and over again.
13 And if you're there and you're responsive, you
14 ensure that they don't pull on it again, if
15 they're a problem. No, this is - - Now, this is
16 actually - - I listened to you without
17 interrupting you. This is your opportunity to
18 listen to me without interrupting me. The fact
19 that your very - - your - - your very client is
20 nodding his head, means he actually disagrees
21 with you.
22 Additionally, when somebody calls the
23 police department, there is a couple ways to
24 quantify calls. You cite evidence of
25 quantifiable evidence. The police department

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1 would quantify a call if the - - if a neighbor
2 calls and says, I'm calling regarding the bar at
3 1503 West Arthur Street. They may say the 1500
4 block of Arthur Street. They may say Arthur and
5 whatever the cross street. People are yelling
6 and screaming out at Arthur and Jones Street.
7 They may see they're out in front of my address,
8 because they're parked two or three houses down
9 from this, and they're not going out of there
10 screeching their cars and yelling and screaming
11 and I'm at 1513 West Arthur. So ultimately, a
12 list, you've covered all of the variable options,
13 anybody could call and the police department
14 would quantifies all of it's evidence, based on
15 what the caller states. So it may go down as
16 15th and Jones. It may go down as 1513. It may
17 go down as 1500 block. But when you specifically
18 request information for his bar, you get
19 specifically 1503. And unless the person across
20 the street in the middle of the night has that
21 address memorized, that's what it goes down at.
22 So I'm just telling you, your evidence of
23 quantifying, I know better than you. I just do.
24 Because I've seen and made that - - those
25 personal inquiries in places in my district where

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1 warning letter, a real gift. And I've got to
2 hand it to this lady and the Pastor for - - for
3 continuing to be persistent on these efforts.
4 And for the Pastor who - - who moved into the
5 area to try and improve things. Your testimony
6 here, and if my motion is successful, your
7 efforts of moving into an area are going to help
8 that neighborhood. Because I think that this
9 establishment is - - is a blemish on the
10 neighborhood. It's a deterior - - contributing
11 to the deterioration of the neighborhood, and I
12 think it's critical that we send a message that
13 we're not going to tolerate this type of
14 continual behavior without addressing real
15 problems. And I get the same impression that
16 Alderman Bohl does. I don't think that - - that
17 they're taking this seriously, and they don't
18 understand the magnitude of the seriousness
19 that's involved here. You know, I'm tired of
20 tying up, you know, police time and having people
21 that are trying to improve their neighborhood and
22 make it better have to deal with stuff like this.
23 And I want to let everybody know that's having
24 problems, if you take the time to come down here,
25 it's going to make a difference. After having

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1 I've said, I want the specific - - And then I
2 hear somebody that they made this. And then I
3 actually have to go back and the police
4 department has to do other queries into different
5 areas to determine that, indeed, there were more
6 calls. But they just weren't specifically issued
7 to the one place where the query is done.
8 So to me, no, that isn't proof that the
9 place is getting better. To me, I'm extremely
10 frustrated - - extremely frustrated, because I
11 don't get the sense that your client has taken
12 steps to improve things. I really don't. And -
13 - And like I said, I won't support anything short
14 of a - - a non-renewal of the place. Other
15 questions or comments by committee?
16 ALDERMAN ZIELINSKI: Mr. Chairman.
17 CHAIRMAN BOHL: Alderman Zielinski.
18 ALDERMAN ZIELINSKI: I agree with - -
19 with you and Alderman Witkowiak. I mean, the
20 firsthand testimony of neighbors that are in
21 close proximity of the licensed establishment
22 carry the day for me. We do know that the police
23 reports are fraught with various inconsistencies
24 that you've identified just a few moments ago.
25 You know, last year they got a real gift with a

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1 said all that, based on neighborhood testimony, I
2 would move for non-renewal.
3 CHAIRMAN BOHL: Motion by Alderman
4 Zielinski is to recommend non-renewal, based on
5 the - - the neighborhood objections. Is there
6 discussion on that motion?
7 ALDERMAN KOVAC: Mr. Chair.
8 CHAIRMAN BOHL: Alderman Kovac?
9 ALDERMAN KOVAC: This is now two
10 straight years we've been hearing this, and I'm
11 certainly prepared to do more than we - -
12 ALDERMAN HAMILTON: I've heard it now
13 four.
14 ALDERMAN KOVAC: Yeah, well, for me
15 it's two. I'm going to go beyond the warning
16 letter we issued last year. I don't know that
17 I'm prepared to vote for non-renewal. Because
18 I'd like to see - - I mean, I don't doubt the
19 testimony, but I - - I believe it - - it's mostly
20 likely true, but I hate to make a vote this is
21 final, based on - - on rumor. I'd like to see it
22 substantiated better. But I'm certainly prepared
23 to go for a suspension.
24 CHAIRMAN BOHL: But what I will say is
25 there's sworn testimony here. I mean, it's - -

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1 Just like the police report is an individual's
2 witness. And at times if the police department
3 actually showed up at somebody's house, they
4 actually may write a citation, based on
5 somebody's so-called sworn testimony that there
6 was loud noise, and I intend that with a follow-
7 up. That may - - I just want to say that.
8 ALDERMAN KOVAC: This is sworn
9 testimony that there's a rumor.
10 CHAIRMAN BOHL: Okay. Well - -
11 MR. SCHRIMPF: Well, Mr. Chairman, on -
12 - on the part that the witness identified as
13 rumor, clearly that would have to be disregarded.
14 CHAIRMAN BOHL: Sure. And in terms of
15 - - Yes. Yes. I concur with that fully in terms
16 of just the - - the neighborhood believes this,
17 and beyond what she states that she saw and the
18 Pastor said that he's seen, where he's seen
19 individuals that pass around, and they're going
20 back and forth, and the smell. Any other
21 discussion on the motion? Seeing no other
22 discussion on the motion.
23 The motion by Alderman Zielinski is to
24 recommend non-renewal, based on the neighborhoo
25 testimony. Are there any objections to that

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1 MR. SCHRIMPF: Okay. I will get his
2 card, or your card. Thank you.
3 CHAIRMAN BOHL: Thank you.
4 * * * * *
5
6
7 STATE OF WISCONSIN)
8)
9 MILWAUKEE COUNTY)
10
11 I, JEAN M. BARINA, of Milwaukee Reporters
12 Associated, Inc., 5124 West Blue Mound Road,
13 Milwaukee, Wisconsin 53208, certify that the foregoing
14 proceedings is a full and complete transcript of La
15 Borinquena" taken at the Licenses Committee Hearing.
16
17
18
19
20 JEAN M. BARINA
21 Court Reporter
22 Dated this day of November, 2009.
23
24

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1 motion?
2 ALDERMAN KOVAC: Object.
3 ALDERWOMAN COGGS: Object.
4 CHAIRMAN BOHL: Hearing two objections,
5 the motion will carry on a three to two vote.
6 Mr. Schrimpf.
7 MR. SCHRIMPF: The committee is going
8 to be doing findings of fact and conclusions of
9 law, recommending non-renewal of this license.
10 You'll receive a copy of that. You will have an
11 opportunity to submit written objections. They
12 may be received in the office of the City Clerk,
13 Room 205, by the close of business, that's 4:45
14 p.m., November 24th, 2009. If you submit written
15 objections, then you will also have the ability
16 to appear before the Common Council when it
17 considers this matter on December 1st, 2009 at
18 approximately nine a.m. in the Council Chambers
19 of this building, same floor that you're on, but
20 the other end. And do you accept service on
21 behalf of your client?
22 MR. SAUCEDA: Attorney Richard J. Smith
23 is the attorney of record. I make an appearance
24 on his behalf. I will give you my card. I'm his
25 associate.