

STARK FOOD MARKET - 1/26/10

SHEET 1 PAGE 1

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2 CITY OF MILWAUKEE
3 LICENSES COMMITTEE
4 *****
5
6 In the Matter of the Class "A" LIQUOR & MALT
Application as agent for:
7 "STARK FOOD MARKET"
CHARNJIT KAUR
8 1301 West Atkinson Avenue
9 *****

COMMITTEE MEMBERS

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

14 LICENSING DIVISION by REBECCA GRILL
POLICE DEPARTMENT by P.O. PAUL MacGILLIS
OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIAMPF

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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 26th day of January, 2010.
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1 THE APPLICANT: (Nods.)
2 CHAIRMAN BOHL: Okay. I'll take that
3 as a yes.
4 This is a renewal, so we should have no
5 particular holds on the application. Mr.
6 Maistelman, do you want to tell us a little bit
7 about the operation?
8 MR. MAISTELMAN: I'd like to raise a
9 - - a few housekeeping issues first. We - - We
10 object to the hearing today. We believe this
11 should have been on the consent agenda. Under
12 Milwaukee Ordinances Section 90-11, there's only
13 a couple of reasons why a matter should be placed
14 on - - on a - - on a contested hearing. One is a
15 police report of arrests or convictions, some
16 issues raised by the police. The second is a
17 written objection filed specifically objecting to
18 the renewal of the - - of the license. There is
19 no written objection to the renewal of the
20 license in the file. And so, we would ask that
21 the committee entertain its own motion and - -
22 and move it to the consent agenda.
23 ALDERWOMAN COGGS: Mr. Chair.
24 CHAIRMAN BOHL: Respond to that?
25 Alderwoman Coggs?

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1 P R O C E E D I N G S
2 CHAIRMAN BOHL: Charnjit Kaur, Class
3 "A" Liquor & Malt renewal application for "Stark
4 Food Market" at 1301 West Atkinson Avenue.
5 MR. MAISTELMAN: Good morning, Chairman
6 Bohl, committee members. Mike Maistelman appears
7 on behalf of the applicant who appears in person.
8 CHAIRMAN BOHL: Okay.
9 MR. MAISTELMAN: And we acknowledge
10 receiving the notice.
11 CHAIRMAN BOHL: Well, we'll swear her
12 in and ask her that.
13 MR. MAISTELMAN: Okay.
14 CHAIRMAN BOHL: Thank you. If you
15 could raise your right hand, ma'am, please.
16 (Whereupon the Applicant was sworn.)
17 CHAIRMAN BOHL: And I'll need your name
18 and mailing address for our record, please.
19 THE APPLICANT: Last name, Kaur, K-A-U-
20 R, first name, Charnjit. Mailing address, 1301
21 West Atkinson Avenue.
22 CHAIRMAN BOHL: And as your attorney
23 indicated, you do acknowledge receiving notice of
24 today's meeting with the possibility your
25 application could be denied. Correct.

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1 ALDERWOMAN COGGS: No, not even in
2 response to that. I think it's a bigger elephant
3 in the room before that. In speaking with your
4 client, I do know that she's invested
5 substantially in a new building. So there's a
6 question of whether this is even really a
7 renewal.
8 MR. MAISTELMAN: Okay, but it - - With
9 all due respect, that's not in - - anywhere on
10 the notice, in the file or in - -
11 ALDERWOMAN COGGS: I didn't know it was
12 an issue until yesterday.
13 MR. MAISTELMAN: I understand that.
14 ALDERWOMAN COGGS: I didn't even know
15 that the building didn't exist until yesterday.
16 MR. MAISTELMAN: That's not before the
17 committee right now.
18 ALDERMAN ZIELINSKI: Mr. Chairman.
19 CHAIRMAN BOHL: Alderman - - Alderman
20 Zielinski.
21 ALDERMAN ZIELINSKI: Maybe - - Maybe
22 the way to address this would be to - - to hold
23 this, so it could properly notice it.
24 CHAIRMAN BOHL: Well, it's a renewal,
25 Alderman Zielinski, and that would not be proper,

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1 because it would not afford them adequate due
 2 process in the fact that they have a vested
 3 property right, and that would likely wind up
 4 forcing them to close. Building or - - I know,
 5 building or no building, I don't - -
 6 ALDERWOMAN COGGS: Can we hear from the
 7 city attorney on that, Mr. Chairman?
 8 CHAIRMAN BOHL: Mr. Schrimpf, are you
 9 tuning in here?
 10 MR. SCHRIMPF: I am.
 11 CHAIRMAN BOHL: Now, let me just ask
 12 for clarification here. Are - - Was there a
 13 demolition of the building? Are you looking to
 14 rebuild the building itself here or? I - - I
 15 know that that may not be at issue - -
 16 MR. MAISTELMAN: We - - Okay, we object
 17 to any and all issues, other than the one issue
 18 that seems to be an e-mail of concern from an
 19 anonymous person. It could be a competitor. We
 20 don't know who this is. Regarding loitering.
 21 It's not an objection to the renewal. So any
 22 other issue that's discussed here today or raised
 23 here today that's - - that's not in the file, we
 24 object to. Now with that said, is - - Ms. Kaur
 25 is - - is - - is doing some construction and - -

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1 the license, they have an absolutely right to
 2 then sue the City for the grant of a license that
 3 they believe was inappropriate. So, as to the
 4 first issue, this committee traditionally hears
 5 from neighbors that are affected by it, if they -
 6 - even if they have not filed written objections,
 7 and those neighbors have that right to appear.
 8 As to the specific issue that is raised
 9 before you right now. There is some guidance
 10 from the League of Municipalities, and it
 11 basically comes down to this. If the footprint
 12 of the building has changed, particularly if it
 13 goes into areas that were not previously
 14 licensed, then that portion of that building is
 15 considered to be a new license.
 16 CHAIRMAN BOHL: That portion of that
 17 building?
 18 MR. SCHRIMPF: That portion of that
 19 building is considered to be a new license.
 20 So - -
 21 CHAIRMAN BOHL: You couldn't - - You
 22 couldn't expand shelving of alcohol beverages
 23 outside of the previous footprint.
 24 MR. SCHRIMPF: We're talking about the
 25 footprint. You can certainly change things

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1 and - - and rebuilding of her current facility,
 2 okay. And that's what's taking place right now,
 3 okay. She's doing some - - some rehab on the
 4 building. She's building another building next
 5 door to it, but it's the same address. So I - -
 6 I don't know if that answers the - -
 7 CHAIRMAN BOHL: So you're remodeling
 8 the geographic location.
 9 MR. MAISTELMAN: Yeah, right. It's the
 10 same address.
 11 CHAIRMAN BOHL: Mr. Schrimpf, this is a
 12 renewal.
 13 MR. SCHRIMPF: Let me - - Let me put
 14 some order where there is some apparent chaos
 15 here. First of all, as to the initial objection.
 16 The initial objection deals with that situation
 17 in which there are written objections. They have
 18 to be on file for 45 days ahead of time.
 19 However, under the Wisconsin Statutes and
 20 specifically 125.12. Anybody - - Subsection 2-D.
 21 Anybody in the community who is disaffected by a
 22 license has an absolute right, not only to come
 23 and appear before this committee and say what
 24 they have to say about it, but on top of that,
 25 even if this committee were to go ahead and grant

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1 inside the tavern. That's no problem. Or the
 2 store. But - - But if the footprint - - If the
 3 exterior footprint has changed, then that portion
 4 of that building is considered a new license.
 5 MR. MAISTELMAN: Of course, we're not
 6 here on that. We're here on the notice and
 7 what's in the file.
 8 ALDERWOMAN COGGS: Mr. Chair.
 9 CHAIRMAN BOHL: Alderwoman Coggs.
 10 ALDERWOMAN COGGS: I think I can save
 11 us a lot of time. On the - - On the first issue.
 12 I have always erred on the side of scheduling
 13 anything for which neighbors contact our office,
 14 anonymously or otherwise, with a complaint or
 15 concern about an establishment. Because to put
 16 it on the consent agenda would not afford those
 17 neighbors the opportunity to come here to testify
 18 against it. Oftentimes, they may not even show
 19 up. But to have that right and ability to voice
 20 that concern, other than in an e-mail, other than
 21 in a phone call, other than in conversation,
 22 these hearings are their opportunity to do that.
 23 When we get those - - When our - - When our
 24 office gets those complaints, we generally send
 25 it in writing to the licensing department. So I

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1 will - I will always err on the side of
2 neighbors having the opportunity to voice their
3 concerns, and I think to suggest that that should
4 not happen is - - is - - is not wise at all.

5 Having said that, we can see, but I
6 don't believe any - - that the neighbors who
7 contacted with the concern that you've read, are
8 even present. So we can have a legal argument
9 all day, but the reality is, I don't personally
10 have an objection to this license, and I don't
11 - - And if we - - if we - - we can - - we can air
12 out the neighbors thing and see what happens with
13 that, but we may be making a bigger issue where
14 - - where it isn't one. And as for the renewal
15 - - Well, let's first see if neighborhood
16 objections.

17 CHAIRMAN BOHL: Yeah. This item is
18 cited for neighborhood objections. Are there any
19 individuals present here to testify on the - -

20 MR. MAISTELMAN: We can ask the
21 question.

22 CHAIRMAN BOHL: I was going to say
23 testify to something else. Are there any
24 individuals present here to testify on the Class
25 "A" Liquor & Malt renewal application for "Stark

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1 that a copy of - - of the complaint that was
2 issued indicates that there has been excessive
3 noise, and the constituent feels that the area is
4 highly concentrated with liquor establishments.
5 This is an existing license. The issue of
6 concentration is not a factor on an existing
7 establishment. The notice that a neighborhood
8 objection should specifically read "neighborhood
9 objection to excessive loitering." And that's
10 the point. All Aldermen's offices, all neighbors
11 who contact us will have to be told to specify in
12 their problems, if their problems are littering,
13 loitering, loud music, noise, other violent
14 actions, that should be specifically written
15 down. That is the way I interpret the code under
16 90-10-D. If we want, I'll be happy to provide a
17 copy of this to everyone on the committee
18 afterwards. We are sworn under oath to comply
19 with the City Ordinance and with the Statutes of
20 the State of Wisconsin. It is our job to comply
21 with the laws, not to create them as we see fit.
22 That's my interpretation from this committee.
23 I am going to say that we have the
24 issue of excessive loitering that we can hear.
25 And if individuals don't like that, start

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1 Food Market" at 1301 West Atkinson Avenue?

2 MR. MAISTELMAN: Whoever is here to
3 testify on behalf of Charnjit, raise your hand.
4 Who is here to support her?

5 CHAIRMAN BOHL: All right, Mike. Let
6 me ask that here. Are there - - Of those
7 individuals who indicated that they were present,
8 are there any here in objection? Are there any
9 here who are opposed to the license? Okay. You
10 all oppose the license?

11 AUDIENCE: Yes.

12 CHAIRMAN BOHL: Okay. All right. What
13 we're going to do, and here's - - here's going to
14 be - - I'm going to make a ruling from the Chair,
15 and then I'll allow the committee to overrule me
16 here, but here is - - here is the point that I'm
17 going to concur with, and I'm going to just put
18 all Aldermen on notice.

19 I take Alderwoman Coggs point and I - -
20 and it absolutely is correct. There is a - - If
21 her office was contacted and there is a complaint
22 that was issued to the License Division, it was
23 issued prior to 45 days in advance of this
24 hearing, which is in accord with - - with the
25 City Code. I'm going to then rule at this point

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1 broadening the complaints. Alderman Zielinski.
2 Now if you guys want to overrule that, I'll allow
3 you to do that, because that's also in the code.

4 ALDERMAN ZIELINSKI: Well, this is a
5 major change, so I would like the city attorney
6 to once again chime in. I'm glad he brought his
7 coffee, because he's going to be busy today.

8 ALDERMAN KOVAC: Mr. Chair, along those
9 lines.

10 CHAIRMAN BOHL: Yeah, Alderman Kovac.

11 ALDERMAN KOVAC: I'm just reading the
12 notice that was sent to the applicant, which says
13 there's a possibility your application may be
14 denied for loitering, littering, loud music,
15 maintenance, parking, traffic, drug, criminal
16 activity, prostitution, trespassing, public
17 urination - -

18 CHAIRMAN BOHL: Yes.

19 ALDERMAN KOVAC: - - fights, vandalism,
20 thefts, operation in such a manner creates public
21 nuisance.

22 CHAIRMAN BOHL: And - - And here's what
23 - - Here's what happens, Alderman Kovac. Based
24 on the City Code it indicates that a formal
25 complaint must be issued and on hand that would

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1 form the basis of a neighborhood objection. It
 2 is the items that are specified in that that
 3 should generate this particular letter. This
 4 itself is boiler plate language that the License
 5 Division often slaps on broadly.

6 ALDERMAN KOVAC: In order to get - -

7 CHAIRMAN BOHL: But according to the
 8 code, the complaint must be generated based on -
 9 - The objection must be generated on complaints
 10 that are issued and specific. And I, you know, I
 11 don't know if - - if somebody says that there's
 12 been a lot of loitering and a lot of littering
 13 around the place, I don't know that you can
 14 extrapolate and indicate everything under the
 15 sun. I mean, we could have a boiler plate
 16 language that included everything, and if, you
 17 know, the issue is, is - - Would I prefer a
 18 broader language? Absolutely. But the State - -
 19 The State Legislature in its wisdom, or lack
 20 thereof, and compliance with the Constitution
 21 provided this as a guaranteed property right, and
 22 the guaranteed property rights stipulated that
 23 there are certain expectations on that property
 24 right that provided and afforded all applicants
 25 who have an existing license with due process. I

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1 think that the process that we have had has been
 2 overly broad and not specifically followed.
 3 That's just my personal interpretation.

4 So while they may have received it, I
 5 don't believe that what they received is valid.
 6 And that's been challenged in court.

7 MR. MAISTELMAN: Successfully.

8 CHAIRMAN BOHL: And - -

9 MR. SCHRIMPF: Not successfully.

10 CHAIRMAN BOHL: Well - -

11 MR. MAISTELMAN: Successfully.

12 MR. SCHRIMPF: No, it isn't - -

13 CHAIRMAN BOHL: That's open for
 14 interpretation. However, now - - And I'll allow
 15 Mr. Schrimpf to respond to Alderman Zielinski.
 16 But what happens is, is when you have this, you
 17 have a specific - - What - - What the - - the
 18 code also allows is for there to be a ruling of
 19 the Chair, based on the interpretation of the
 20 Ordinances, as to how they're going to be
 21 administered. And I think Mr. Schrimpf will
 22 acknowledge that.

23 MR. MAISTELMAN: Mr. Chairman.

24 CHAIRMAN BOHL: At that - -

25 MR. MAISTELMAN: There's been a ruling

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1 in - - in prior matters on - -

2 CHAIRMAN BOHL: We'll let - - We'll let
 3 him respond to that, Mr. Maistelman.

4 MR. SCHRIMPF: Well - -

5 CHAIRMAN BOHL: But the ruling of the
 6 Chair is what stands, unless the committee by a
 7 majority vote would overturn it, notwithstanding
 8 what the city attorney advises. And I think he
 9 will acknowledge that. Go ahead, Mr. Schrimpf.

10 MR. SCHRIMPF: It's my reading of the
 11 code that the 45 day provision applies in those
 12 cases where there is a written complaint.
 13 However, it's also my reading of other provisions
 14 of the code, particularly 90-11 and the renewal
 15 procedure, that the - - the committee can take
 16 into account, and specifically it's spelled out,
 17 neighborhood problems that are caused by the
 18 operation of the premises. If the City has some
 19 information to the effect that there are
 20 neighborhood problems being caused by the
 21 premises, the license office, it's my
 22 understanding, puts those factors into the notice
 23 of the hearing so there is fair notice of what's
 24 going to be discussed.

25 CHAIRMAN BOHL: Mr. Schrimpf, if - -

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1 I'm sorry. If I may, how would the City know?

2 MR. MAISTELMAN: From the e-mail.

3 MR. SCHRIMPF: Well, first of all.

4 First of all - -

5 MR. MAISTELMAN: Public urination, Mr.
 6 Schrimpf.

7 CHAIRMAN BOHL: No. Mis - - No, Mr.
 8 Maistelman, allow - - allow him to - - I just - -
 9 I want to clarify, how would the City know?

10 MR. SCHRIMPF: There is - - There is
 11 lots of different ways the City might know. An
 12 Alderman may receive neighborhood complaints.
 13 They could be e-mails. They could be letters.
 14 They could be phone calls. And the - - These
 15 City Aldermen would then come along and say, all
 16 right, license office, schedule this for a
 17 hearing on these particular issues. And that's
 18 the notice that is required under 125.12-3. The
 19 notice that's referred under 125.12-3, which
 20 deals specifically with renewals, simply says,
 21 that all the Council has to do is notify the
 22 license applicant, in this case, the renewal
 23 applicant, of its intention not to renew the
 24 license. It doesn't specify what constitutes
 25 that notice or how it comes through. This is a

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1 legislative-type hearing so recognized in a case
2 called Ruffalo versus Common Council of the City
3 of Kenosha, and these are not formalized trials
4 where you have specific rules of evidence and you
5 have all this procedure. It's supposed to be a
6 very simple procedure. And the simple procedure
7 and the due process angle of it is preserved by
8 giving the licensee notice of what the issues
9 are, giving the licensee an opportunity in a
10 hearing to respond to those issues, and allow the
11 neighbors to come forward. Because there is two
12 sets of rights at work here, that I think the
13 committee should be very cognizant of. There is
14 the rights of the licensee, to be sure. But
15 there is the rights of the neighbors who are
16 affected by the operation of a liquor store or
17 tavern.

18 ALDERMAN ZIELINSKI: Mr. Chairman.

19 CHAIRMAN BOHL: Alderman Zielinski.

20 ALDERMAN ZIELINSKI: Based on the input
21 of the city attorney, I would move to reject the
22 ruling of the Chair.

23 CHAIRMAN BOHL: Okay. Now - - But I'll
24 withdraw that. So what I'm going to say is, is
25 what I will ask, Mr. Schrimpf, and you let me

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1 withdrew that. Alderman Zielinski is going to
2 make a motion to reject the claim being made by
3 counsel here that the neighborhood objection is
4 inadequate here.

5 MR. MAISTELMAN: Well, there's - -
6 there's two issues. There's the one issue that
7 the - - that there is no written objection in the
8 file 45 days before the hearing from an
9 interested party, objecting to the renewal.
10 That's the first one.

11 The second one is, is that - - that the
12 City, once again, threw in the kitchen sink, and
13 so now it's opening up to a pandora's box where
14 it will allow us not to have any - - I mean, I -
15 - To discuss anything, I guess. Anything goes
16 here.

17 CHAIRMAN BOHL: All right. Mr.
18 Maistelman, the - - I, from the Chair here, am
19 going to - - am going to at this point reject
20 your - - your formal complaint on the issue of
21 there not being a complaint in the file here.
22 What I will say is that there is clearly one from
23 the - - from the local alderperson's office.

24 MR. MAISTELMAN: Objection to the
25 renewal?

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1 know if I need to do it in writing. I would like
2 a formal opinion coming from the city attorney's
3 office.

4 MR. SCHRIMPF: It is always better to
5 put that in writing.

6 CHAIRMAN BOHL: Okay. All right.
7 We'll have to follow up with that, but thank you.
8 We'll - - We'll get that.

9 MR. MAISTELMAN: Mr. Chair.

10 CHAIRMAN BOHL: Mr. Maistelman.

11 MR. MAISTELMAN: Could I have a ruling
12 on my request of that - - that there was not a
13 proper objection in writing to the renewal in the
14 file 45 days before today's hearing?

15 CHAIRMAN BOHL: You'd like a formal
16 request?

17 MR. MAISTELMAN: I'd like - - I'd like
18 a determination from the committee.

19 CHAIRMAN BOHL: We'll take the motion
20 by Alderman Zielinski would be to - - to accept -
21 - would be to reject the - -

22 MR. MAISTELMAN: You withdrew your
23 motion.

24 CHAIRMAN BOHL: I withdrew my motion.
25 I withdrew - - I made a ruling from the Chair. I

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1 CHAIRMAN BOHL: In the - - In the
2 object - - In the case of the objection to the
3 renewal. So I'm going to formally reject that
4 particular claim that you made.

5 MR. MAISTELMAN: Thank you.

6 CHAIRMAN BOHL: At this point here
7 Alderman Zielinski would move, based on the
8 advice of the city attorney, to reject the
9 complaint that the language of the formal
10 objection that was sent to the applicant is - -
11 is, what I would term in your language,
12 excessive, based on the complaint before us. Are
13 there objections to that motion, other than my
14 own? Hearing one objection, that motion will
15 carry.

16 Now what we will do at this point here,
17 do you - - do you wish to make any additional
18 opening comments on this matter?

19 MR. MAISTELMAN: Just mentioning Ms.
20 Kaur has been operating there for quite some
21 time. Has never had any problems, as evidenced
22 by the police report. There's no objections.
23 There's only one objection. I shouldn't even say
24 there's an objection. There's an anonymous
25 person calling the Alderwoman's office,

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1 complaining about loitering.
 2 CHAIRMAN BOHL: Well - -
 3 MR. MAISTELMAN: In the file. Which
 4 could be a competitor. Right. I mean, that's
 5 the problem with this. We have a due process on
 6 equal protection issues here. She has a license,
 7 a valid license property right here. We need to
 8 properly defend it. Obviously, our hands are
 9 somewhat tied now, because the gates are wide
 10 open. We'll do the best that we can. And - -
 11 But - - But the police have no issue with this,
 12 and other than that, there only seems to be one
 13 anonymous neighbor who could be - - who could be
 14 a competitor objecting to loitering. That's it.
 15 CHAIRMAN BOHL: Well, there were others
 16 here who mentioned that they were here opposed to
 17 the license.
 18 MR. MAISTELMAN: I understand that, but
 19 in - - in the file, that - - that - - that
 20 brought upon this hearing, there's only one
 21 person, an anonymous person who could be a
 22 competitor, and that - - that's all I want to
 23 say. I think it's important that the police
 24 aren't here objecting.
 25 CHAIRMAN BOHL: Yeah. Okay. Thank

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1 you. I mean, what I will just say in that regard
 2 is I don't know that 47 people have to file
 3 objections. I think that one objection on hand
 4 sort of - -
 5 MR. MAISTELMAN: I agree.
 6 CHAIRMAN BOHL: - - leaves the door
 7 open for others to testify through their merits
 8 or lack thereof.
 9 MR. MAISTELMAN: And I agree.
 10 CHAIRMAN BOHL: What we will do now is
 11 we will hear from individuals who are opposed to
 12 the license. What we're going to do is if there
 13 is anyone who wishes to provide testimony on this
 14 matter, we will ask you to raise your right hand
 15 at this point, and we will then swear you in.
 16 ALDERMAN ZIELINSKI: Mr. Chairman.
 17 CHAIRMAN BOHL: These are for all
 18 individuals who are either in favor or opposed to
 19 the license, if you are here in favor or opposed,
 20 please raise your right hand. If you are not
 21 sworn in now, we will not take your testimony.
 22 Alder - -
 23 ALDERMAN ZIELINSKI: Mr. Chairman.
 24 CHAIRMAN BOHL: Alderman Zielinski,
 25 before that.

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1 ALDERMAN ZIELINSKI: I have a question
 2 before we start accepting testimony. Procedure
 3 questions.
 4 THE APPLICANT: Anybody who is speaking
 5 here, come please forward. Raise your right
 6 hand.
 7 ALDERMAN ZIELINSKI: Okay. Mister - -
 8 Okay, the procedural question I have, Mr.
 9 Chairman, before - - And this is for our city
 10 attorney again, Bruce. Is - - My understanding
 11 is, and I want to get a ruling, either from the
 12 Chair, an opinion from the city attorney here,
 13 but there seems to be two issues. One is the
 14 existing location, two is the expansion of the
 15 existing location. Are we going to be hearing
 16 testimony on just the renewal, including the
 17 expansion, or are we going to be hearing
 18 testimony just on the existing location and
 19 bifurcating the issue with respect to the
 20 expansion, or is that not properly noticed? I'd
 21 like some feedback and direction on that.
 22 MR. SCHRIMPF: Well, I would agree that
 23 there may be a problem with the - - the way the
 24 - - And this wouldn't be the license office or
 25 the clerk's office. But information has been

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1 provided to the committee from, I think, both the
 2 licensee and Alderwoman Coggs, that a new
 3 structure was built. To the extent that that
 4 structure now has areas in it that may not have
 5 been previously licensed, that portion of it is a
 6 new license. The League of Municipalities has
 7 been very clear on that. So we just don't know
 8 enough about that issue right now. It certainly
 9 wasn't noticed. But it wasn't noticed because
 10 the information was apparently not known, so.
 11 ALDERMAN ZIELINSKI: So in your
 12 opinion, how do we - - what's the best way to
 13 proceed if - - Because if we move approval of
 14 this today and we hear testimony just on the
 15 renewal of this license, and there is an - - an
 16 additional building, then - -
 17 MR. SCHRIMPF: Well, the problem comes
 18 in, basically what you need at this point, is a
 19 review of the plans or somebody to interpret the
 20 plans to find out if there is an area now in the
 21 store that was not previously licensed that now
 22 needs a license. It seems to me the bigger issue
 23 is to proceed forward with the renewal. You can
 24 always sort out the - - the issue with the
 25 footprint later.

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1 ALDERMAN ZIELINSKI: Well, I was just
2 thinking, you know, with regard to the testimony.
3 Because some people that would testify may not be
4 opposed - - Theoretically, they may not be
5 opposed to the existing renewal of the - - of the
6 license, but they would be opposed to an
7 expansion of the existing location. And I
8 thought it would be helpful to get an
9 understanding before we hear testimony, that
10 we're - - that - - that we're either going to be
11 hearing testimony on the license, including the
12 expansion, or hearing testimony on the license
13 itself, and another, you know, testimony on
14 whether they should - - there is support of
15 expansion of the license.

16 MR. SCHRIMPF: You'd simply have to ask
17 the witnesses that question.

18 CHAIRMAN BOHL: Let me - - Let me ask
19 this much. I want to just cut right through the
20 chase on this. Are you - - Have you - - Have you
21 already built a new - - a new building?

22 THE APPLICANT: Yes, sir.

23 CHAIRMAN BOHL: Okay. Is it larger
24 than the old building in terms of square footage?

25 THE APPLICANT: Yeah, it is enlarged

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1 building.

2 CHAIRMAN BOHL: It is enlarged. Where
3 is your liquor? Is it in the new section or is
4 it - -

5 MR. MAISTELMAN: It hasn't been opened
6 yet. It's still in the process.

7 THE APPLICANT: It's not open.

8 CHAIRMAN BOHL: Okay. It's still in
9 the process. Hasn't been opened.

10 MR. MAISTELMAN: Right.

11 CHAIRMAN BOHL: Now, are you going to,
12 upon hearing this, put the alcohol that you serve
13 exclusively in the area where the old frame would
14 have been, or is it going to be shifted into the
15 new area? Because if not, we may have a new
16 license before us. So I want to ask you that, on
17 the record, and what I would then suggest is the
18 local alderperson, if you say it's going to be
19 all in the old area and not in the new built
20 area, that an inspection would then be - - be had
21 where that would be determined whether you are
22 telling the truth on that or not, and that's how
23 we deal with it. Under oath, let's - -

24 MR. MAISTELMAN: Mr. Chairman, could I
25 have two minutes with my client to talk to her?

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1 I mean, since we're delving into issues that were
2 not raised in the - - in the notice, I'd like an
3 opportunity to speak with her.

4 CHAIRMAN BOHL: All right.

5 MR. MAISTELMAN: I was only under the
6 impression that we were going to be dealing with
7 the issues raised in the e-mail from the
8 Alderwoman's office about - - about loitering.

9 CHAIRMAN BOHL: Okay.

10 MR. MAISTELMAN: I didn't know it was
11 going to be opening up to - - to everything else.

12 CHAIRMAN BOHL: All right.

13 MR. MAISTELMAN: So I'm not
14 prepared - -

15 CHAIRMAN BOHL: What we'll do is we'll
16 be in recess here for about two minutes.

17 (Whereupon recess was taken.)

18 CHAIRMAN BOHL: This is a resumption of
19 the Common Council's Licenses Committee. We are
20 hearing the matter of Charnit Kaur, Class "A"
21 Liquor and Malt application for "Stark Food
22 Market" at 1301 West Atkinson Avenue. Mr.
23 Maistelman, did you have a response?

24 MR. MAISTELMAN: Thank you. Thank you,
25 Mr. Chairman Bohl. Yeah, thank you for allowing

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1 me some time with my client to discuss matters
2 that were not on the notice today. There is an
3 additional 20 feet that's been - - that is going
4 to be expanding on the footprint of the building,
5 but she's not going to be storing alcohol or
6 liquor there. It's going to be expanding for
7 food and grocery sales. So that's the response.

8 MR. SCHRIMPF: Well, Mr. Chairman.

9 CHAIRMAN BOHL: Mr. Schrimpf.

10 MR. SCHRIMPF: First of all, 125.04-3-H
11 requires subsequent changes within ten days of
12 any change and any fact set forth in an
13 application for a license or permit to sell
14 alcohol beverages, the licensee or permittee
15 shall file with the issuing authority a written
16 description of the changed fact. I don't know if
17 that happened. Ms. Grill could identify whether
18 or not that ever happened. The league booklet
19 that I referenced before cites to a case called
20 Alberti versus City of Whitewater found at 109
21 Wis. 2d 592, also citing 125.04-3-H, which
22 provides, "For any revision during the license
23 year the licensee must file a written request
24 with the municipal official to amend the premises
25 description. It is within the discretion of the

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1 governing body to approve or disapprove the
 2 change," and that would be as if it were a new
 3 license. Finally, there are various matters set
 4 forth in 90-5-2, and specifically, sub 3 of the
 5 Code of Ordinances, that talks about the premises
 6 description and what licensees are under an
 7 affirmative obligation to do if they're changing
 8 the premises. And finally, 90-39-13, regarding
 9 alterations to premises provides, "Any alteration
 10 change or addition resulting in expansion of a
 11 licensed premises shall be approved by the
 12 licensing committee prior to the issuance of a
 13 license pursuant to 200-24, which was the zoning
 14 code, by the Department of City Development. Any
 15 applicant whose application has been denied by
 16 the committee may appeal that decision to the
 17 Common Council." So with respect to the notice
 18 issues, I would remind the committee the licensee
 19 was frankly under an obligation to affirmatively
 20 tell this information to the license office prior
 21 to the time that the application for renewal was
 22 filed. So it's not in the notice, and it's - -
 23 and Counsel is raising the fact that there was no
 24 notice of this. Well, there was no notice of
 25 this because apparently this was never sent to

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1 the license office.
 2 MR. MAISTELMAN: It's a double-edged
 3 sword. Comes the same with us. If you look at
 4 the file that I looked at, there's nothing in the
 5 file about public urination, all those other
 6 boiler-plate things. So - - So, I mean - - But
 7 you guys were able to fill her all, and then, you
 8 know. I mean, it works both ways. We're not
 9 here on that.
 10 CHAIRMAN BOHL: Ms. Grill, did - - did
 11 you have any notice from the applicant ten days
 12 prior of the issue of the change in the
 13 footprint?
 14 MS. GRILL: No. When the renewal
 15 application was filed, there was a certification
 16 of the existing floor plan, and the applicant
 17 indicated there were no changes to the plan of
 18 the operation or the floor plan. And that was on
 19 December 16th.
 20 CHAIRMAN BOHL: Okay. Thank you. Mr.
 21 Schrimpf, how do you suggest that we proceed
 22 here? Would this be, in your opinion, a new
 23 license before us?
 24 MR. SCHRIMPF: Well, I think what the
 25 committee should do is hold the matter, and the

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1 very first thing that we have to do is get the
 2 floor plans from DNS. We have to examine those
 3 issues. That's the only way to proceed.
 4 MR. MAISTELMAN: I would not object if
 5 - - Because this is all coming up as - - as news
 6 to me, that if the Chair wants to hold it at the
 7 call - - at his call, so that we can go back and
 8 figure out what's going on, and you guys can
 9 properly notice it up as you wish. But I - -
 10 Yeah, it's up to you, Mr. Chairman.
 11 ALDERMAN HAMILTON: Mr. Chair.
 12 CHAIRMAN BOHL: Alderman Hamilton.
 13 ALDERMAN HAMILTON: I just - - I think
 14 we have a lot of people who came down to testify
 15 on this matter. I don't know that the - - that
 16 the issues that's - - that's presented by the
 17 legal arguments are - - are - - are so difficult
 18 that - - that we wouldn't be able to - - to have
 19 - - Yeah, to at least take - - take the testimony
 20 of the - - of the people who are here.
 21 CHAIRMAN BOHL: Alderman, here's my - -
 22 my thought on that. I think you know that in
 23 almost every circumstance I will take the
 24 testimony for individuals who take the time to
 25 show up. The problem here is I don't know that

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1 we have a proper notice. I don't know that - - I
 2 think we're going to get a new license. And I
 3 think that it's going to be problematic when you
 4 start extrapolating testimony from something that
 5 isn't properly noticed into a hearing that is
 6 properly noticed. Mr. Schrimpf, do you have
 7 thoughts on that? I mean, we may be talking
 8 about a new license. Furthermore, if we are
 9 talking about a new license again, it may bring
 10 up the issue of concentration, which is not
 11 noticed. This gives more credence to individuals
 12 to testify to things. One of the issues that
 13 came up, at least from Alderwoman Coggs, was the
 14 issue of highly - - area highly concentrated with
 15 liquor. I mean, that's not part of the notice,
 16 because it is not considered a new license, which
 17 may change, depending on the submission of - - of
 18 a proper floor plan for the - - the now existing
 19 establishment.
 20 MR. SCHRIMPF: Well, I agree. If - -
 21 If a determination is made that this is really a
 22 new application, then I agree you have those
 23 other issues. Whether or not the committee
 24 wishes to take the testimony of the neighbors who
 25 are here, both for and against, as an

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1 accommodation to them and to not discommodate them
 2 in coming down here and all that, that's
 3 something reposed within your discretion, you
 4 know, governing the time that you want to spend
 5 on it and - - and all that sort of thing, but.

6 MS. GRILL: Mr. Chair.

7 CHAIRMAN BOHL: Ms. Grill.

8 MS. GRILL: Typically, if there's any
 9 changes in a building or the floor plan or
 10 anything like that, people usually have submitted
 11 a permanent extension of their license, not a
 12 whole new application.

13 CHAIRMAN BOHL: Okay.

14 MS. GRILL: Unless it's - - And I'm not
 15 sure if it's a totally separate plot of land or
 16 not, but typically, that's usually accomplished
 17 for - - with a permanent extension.

18 CHAIRMAN BOHL: Here's - - I'll leave
 19 it to - - to this discretion, though, too. In
 20 the interest of time, I will allow individuals
 21 who are present here who wish to testify now to
 22 come forward and testify. It is - - It is the
 23 - - the procedure in the code to have individuals
 24 who are here in opposition speak and testify
 25 first. What I am going to say, though, is if

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1 this is for your convenience, we're going to - -
 2 we would allow for two minutes of testimony from
 3 individuals here who are opposed or in favor.
 4 Any person who wishes to come forward, two
 5 minutes in testimony. What I will say, ma'am,
 6 please let me finish, okay. And then I'll - -
 7 What I will say is that if someone does testify
 8 today and there's a continuation of the hearing,
 9 unless there is something new and substantial, we
 10 will not allow you to testify again. So if this
 11 is for your convenience to come here now, and if
 12 you wish to come next time, I don't want somebody
 13 to come forward and think that they're going to
 14 take two minutes now where we have ten people who
 15 are here in support of, and they're going to
 16 speak all for 20 minutes, two minutes apiece,
 17 speaking 20 minutes about saying how this
 18 applicant is the nicest person, to show up three
 19 weeks from now to say, again, for another 20
 20 minutes that this applicant is the nicest person.
 21 Okay. So we'll allow you to come and you testify
 22 once. You want to testify today, testify today.
 23 If you want to testify - - If this is held open,
 24 three weeks from now you can testify three weeks
 25 from now. And you testify once. Pick your time

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1 now, if it's for your convenience, or then.
 2 Because what happens is is what we do is we order
 3 transcripts, and it becomes part of the record,
 4 and we re-read the testimony the night before,
 5 and it's already part of the record. So you
 6 don't need to say it again. Say it once. So,
 7 that - -

8 ALDERMAN ZIELINSKI: Mr. Chairman.

9 CHAIRMAN BOHL: That being said, is
 10 there any - - Are there any - - Is there any
 11 disagreement with committee on that?

12 ALDERMAN ZIELINSKI: Mr. Chairman.

13 CHAIRMAN BOHL: Alderman Zielinski.

14 ALDERMAN ZIELINSKI: I agree with you.

15 I - - I would just request that people that come
 16 up and testify indicate whether they support the
 17 - - the existing license or whether they support
 18 the expansion. Because some people may support
 19 the existing license, but not an expansion of the
 20 license. And I think it would be helpful, since
 21 that probably will be an issue that comes up next
 22 time, to have that clearly defined.

23 CHAIRMAN BOHL: Sure. That they can
 24 say. Okay. With that, we will swear in all
 25 individuals who are present who wish to provide

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1 testimony here today. Okay. If you are present
 2 and wish to provide testimony today, please raise
 3 your right hand. Swear them in, please.

4 (Whereupon those present were sworn.)

5 CHAIRMAN BOHL: Thank you. What we
 6 will do is we will ask individuals if they could
 7 take the standing microphone. What we'll need
 8 first is your name. If there is a difficult
 9 spelling of your name, if you could please spell
 10 that out for the assistance of our Court
 11 Reporter, that would be appreciated. And then
 12 your home address. At that point, your
 13 testimony. What we will ask of you is if we get
 14 to the point where we get to a number of
 15 witnesses and you substantially agree, if you
 16 could just indicate that, if that is indeed the
 17 case. If you are unable to physically stand at
 18 the microphone and you do need a seat, please
 19 just take a seat if that is indeed the case. So
 20 we'll take first witness here, sir. I believe
 21 you were here to testify. We'll here from
 22 individuals who are opposed first. So if you are
 23 in favor, we're going to ask that you hold off.
 24 Individuals who are opposed, if we could come
 25 forward and take the microphone, please.

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1 Good morning. Ma'am, and you can bend
2 that microphone head-down here. Thank you.

3 THE WITNESS: Good morning. My name is
4 Millicent, M-I, double L, I-C-E-N-T. Last name,
5 Wright, with a W.

6 CHAIRMAN BOHL: And your address,
7 ma'am.

8 THE WITNESS: I reside at 3949 North
9 13th Street.

10 CHAIRMAN BOHL: Thank you. And your
11 testimony, ma'am.

12 THE WITNESS: I oppose the renewal of
13 the license. Because I personally, I have bought
14 cigarettes out of the restaurant. I have bought
15 from her, single cigarettes. I've also witnessed
16 her when the store was open, the store is right
17 next to the restaurant, and I saw a young man
18 come in and ask her, I'm standing right there by
19 him, could he purchase some hot food with his
20 food stamp card. I saw her tell him, yes. She
21 punched in how much the hot food would cost.
22 Called over to the restaurant and told him that,
23 yes - -

24 MR. MAISTELMAN: Is this relevant?

25 CHAIRMAN BOHL: Mr. Maistelman, I'm

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1 record. Ma'am, I appreciate your concerns. I
2 really do. I'm going to read this for residents
3 who are present here. In this hearing, because
4 this is a renewal, there is a due process
5 procedure. And legally that means the person
6 with a - - with an existing license has the right
7 to know what may be said and could be used
8 against them in a hearing. These items are,
9 neighborhood objections to littering, loitering,
10 loud music, and noise, parking and traffic
11 problems, drug and criminal activity,
12 prostitution, trespassing, public urination,
13 fights, vandalism, thefts, operation of premises
14 in such a manner that it creates a public
15 nuisance and conduct which is detrimental to the
16 health, safety and welfare of the neighborhood.

17 ALDERWOMAN COGGS: Mr. Chair.

18 CHAIRMAN BOHL: Alderwoman Coggs.

19 ALDERWOMAN COGGS: Mr. Schrimpf, would
20 you characterize anything testified to by this
21 witness to be criminal activity?

22 MR. SCHRIMPF: Well - -

23 ALDERWOMAN COGGS: And/or this - -
24 impacting the safety and well-being of the
25 neighborhood.

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1 just going to let her finish, and then I'll make
2 a ruling on that, okay.

3 THE WITNESS: Okay. So I was unaware
4 that I could come down beforehand to testify. I
5 also don't like how the children are treated. If
6 the children only want to spend a quarter, they
7 shouldn't have to be forced - - If they only want
8 to spend 15 cent out of their quarter, they
9 shouldn't have to be forced to spend the whole
10 quarter. And that's all I have to say.

11 CHAIRMAN BOHL: Okay. Ma'am, hold on.
12 Anybody who testifies, once you provide your
13 testimony, if you could please remain until I
14 then dismiss you. Because what - - If you want
15 to provide testimony, there is the ability for
16 questions to be raised and the ability to - - to
17 raise questions to your testimony. So if you
18 don't want questions, don't come up, okay. And
19 then, just please remain there until you - - you
20 are finished, you can provide your testimony,
21 we'll ask questions, and I'll say, thank you for
22 your testimony, you may leave. Okay. Everyone
23 from now forward.

24 Mr. Schrimpf, I'm going to move that
25 the testimony provided be stricken from the

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1 MR. SCHRIMPF: Well, where I'd come
2 down on something like that is that when you
3 throw in something as broad as criminal activity,
4 you have to narrow it down somehow or other. And
5 there was - - The testimony would indicate that -
6 - that there was a certain amount of mis - -
7 misuse of welfare money. But I think you got to
8 be a little more narrow than that, because if - -
9 if you just rely on criminal activity in a
10 general allegation like that, you know, the sky
11 is the limit. You've got to have some idea of
12 what you're talking about here.

13 ALDERWOMAN COGGS: Is the sale of
14 single cigarettes criminal?

15 MR. SCHRIMPF: I don't know if it's
16 criminal. It is a violation certainly of the
17 ordinances, and I believe it is a violation of
18 the - - the Statutes regarding sales of packs of
19 cigarettes and taxing them. I don't know that
20 it's criminal. It might be a misdemeanor. It
21 might be a forfeiture.

22 ALDERWOMAN COGGS: Is the sale of hot
23 foods with usage of WIC, criminal?

24 MR. SCHRIMPF: I'm not sufficiently
25 familiar with WIC to know if that's the case or

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1 not.
 2 THE WITNESS: That was with the QUEST
 3 card.
 4 ALDERWOMAN COGGS: With the QUEST card,
 5 I mean.
 6 MR. SCHRIMPF: Right. I don't know.
 7 I'm not sufficiently familiar with that.
 8 CHAIRMAN BOHL: Mr. Schrimpf, here's my
 9 issue, though. There is a separate license for
 10 cigarette sales.
 11 MR. SCHRIMPF: Yes.
 12 CHAIRMAN BOHL: When we start broadly
 13 using cigarettes to interpret the vested property
 14 right in alcohol, I believe we are getting into
 15 problems.
 16 MR. SCHRIMPF: And I would tend to
 17 agree with you, Mr. Chair, on that.
 18 CHAIRMAN BOHL: Okay. So that's - -
 19 that's - -
 20 ALDERWOMAN COGGS: I challenge the
 21 ruling of the Chair.
 22 CHAIRMAN BOHL: I didn't even make a
 23 ruling.
 24 ALDERWOMAN COGGS: Okay.
 25 CHAIRMAN BOHL: Okay. Oh, and hold on,

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1 ALDERWOMAN COGGS: There - - There is a
 2 component of the notice that has criminal
 3 activity. But there is also a component of the
 4 notice that talks about the damage to a
 5 neighborhood. Now, I am certain that this
 6 neighbor and others who testified, not only for
 7 this case but other cases, would find much of
 8 what this neighbor stated to be detrimental to
 9 their community. And for us, as a committee, to
 10 decide that it's not - - that it does not fit
 11 within any aspect of the notice, I think just
 12 wouldn't be accurate.
 13 CHAIRMAN BOHL: Okay.
 14 ALDERWOMAN COGGS: So that's why I
 15 challenged it.
 16 CHAIRMAN BOHL: Thank you. And my only
 17 response to that is if any alderperson or any
 18 member of the community is unhappy with general
 19 operations, go after a special use permit. Go
 20 after the occupancy, because that's how it
 21 relates to. When you start to go after alcohol
 22 sales for everything that's tertiary and un - -
 23 unrelated to alcohol beverage licenses, you are
 24 violating State law.
 25 ALDERMAN ZIELINSKI: Mr. Chairman.

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1 yeah. But if I just may finish, okay.
 2 ALDERWOMAN COGGS: Um-hnh.
 3 CHAIRMAN BOHL: Because I do have the
 4 floor right at this point here. I'm making
 5 comments before that. My - - My issue is that
 6 you are - - you have a license for tobacco sales.
 7 MR. SCHRIMPF: Right.
 8 CHAIRMAN BOHL: When you start
 9 challenging existing alcohol beverage licenses,
 10 based on something other than - - something that
 11 is problematic with - - in conjunction with
 12 alcohol beverage, you start to get into areas of
 13 problems. And - - And if you have problems with
 14 the sales of - - of tobacco products, then you go
 15 after the tobacco license. Mr. Schrimpf?
 16 MR. SCHRIMPF: I - - Frankly, there is
 17 a whole lot of logic to that, and I agree.
 18 CHAIRMAN BOHL: Okay. With the
 19 Chairman agreeing - - Or with the city attorney
 20 agreeing, there is a objection to the ruling of
 21 the Chair.
 22 ALDERWOMAN COGGS: And I'd like to
 23 speak on that.
 24 CHAIRMAN BOHL: Please, on the motion.
 25 Alderwoman Cogs.

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1 CHAIRMAN BOHL: Alderman Zielinski.
 2 ALDERMAN ZIELINSKI: Question for the
 3 city attorney, again, Mr. Schrimpf. Earlier,
 4 would you have reached a different conclusion if
 5 this was a new application versus an existing
 6 application?
 7 MR. SCHRIMPF: No, not particularly,
 8 because even if - - even if you're dealing with a
 9 new application and the - - there is some
 10 objections, you can be a little bit broader.
 11 There is - - There is less of a due process
 12 issue. But frankly, our own code does require
 13 that it be based on evidence brought forth at the
 14 hearing, and - - and the differences actually
 15 between a new license and a renewal license in
 16 terms of evidence that the committee may consider
 17 is really not all that different.
 18 ALDERMAN ZIELINSKI: Well, the reason
 19 why I ask, and the reason why I'm a little bit
 20 confused, because I know that it's been the case
 21 where numerous people have come up before a
 22 licenses hearing and they have mentioned that
 23 they have witnessed, personally witnessed, the
 24 sale of single cigarette items, and we've always
 25 accepted that, that testimony. It's never been

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1 stricken. I want to know what's the difference
2 today.

3 MR. SCHRIMPF: Well, okay, Mr.
4 Chairman, in the case of, let's say, you're
5 dealing with an application, a new application
6 for an alcohol beverage. And there's some
7 evidence that a licensee has violated or arguably
8 violated the cigarette laws. You can - I think
9 it's fairly fair for the committee to say, well,
10 look, if the person is not careful about the
11 regulations with respect to cigarettes, what
12 causes us to believe that they're going to be
13 more careful with the regulations involving
14 alcohol. And that's, quite frankly, a fair
15 assumption to make. But there you're dealing
16 with a new license.

17 In this particular case you're dealing
18 with a renewal. And in this particular case, I
19 tend to agree with the Chair, there are rules
20 that cover cigarettes. There are rules that
21 cover alcohol. And -

22 ALDERMAN ZIELINSKI: Well, that's why I
23 asked you. That's why I asked you, if your -
24 if your - If your opinion would have been
25 different had this been a - a renewal versus a

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1 CHAIRMAN BOHL: Yeah, Miss - - Ms.
2 Grill did solve that by saying that - - that it
3 would serve as an extension of premises and not a
4 new license. Ms. Grill, was that a - - on a yes
5 or no on that, please.

6 MS. GRILL: Yes, if it's in the same
7 footprint.

8 MR. MAISTELMAN: Right.
9 ALDERWOMAN COGGS: Which we don't know.
10 ALDERMAN ZIELINSKI: But we don't
11 know -

12 CHAIRMAN BOHL: But -

13 MR. MAISTELMAN: But it is.

14 CHAIRMAN BOHL: Here's the thing. I -
15 - My preference originally was to hold this, and
16 we - - Then we would have everything solved. The
17 convenience of the committee wanted to open now
18 more cans of worms to say, let's provide everyone
19 the convenience. Now if your convenience is
20 well, we don't know if the convenience fits, then
21 let's just hold it, okay. Because then we'll
22 know that - - She can come back and it will
23 broaden the array of items, and it could be cited
24 for concentration, all those other things. But
25 if you want to provide the convenience of

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1 new - - a new license as opposed to renewal. And
2 you said no. And now you're telling me it would
3 make a difference.

4 MR. SCHRIMPF: I can see an argument -
5 -Here is the point. I can see an argument in the
6 case of a new license where you're saying if the
7 person is sloppy about cigarette regulations,
8 what causes us to believe the person is going to
9 be more careful with alcohol regulations.

10 ALDERWOMAN COGGS: Mr. Chair.

11 ALDERMAN ZIELINSKI: Okay. Let me
12 finish my - my line of questioning here. I'm
13 almost finished here. Okay. So -

14 MR. SCHRIMPF: Am I being cross-
15 examined. ..

16 ALDERMAN ZIELINSKI: So - - So the
17 point - - The point I'm trying - - So the point
18 I'm trying to make is that we don't know if this
19 is going to be a new license at the next hearing
20 or not. So why are deliberately -

21 MR. SCHRIMPF: I think Ms. Grill can
22 solve that with the -

23 MR. MAISTELMAN: It's an extension of
24 premises.

25 MR. SCHRIMPF: Yes.

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1 allowing individuals to testify and you don't
2 know how broadly they can testify to, you're
3 going to have to probably go for the stricter
4 parameters. Okay, that's just -

5 ALDERMAN ZIELINSKI: Mr. Chairman, I -
6 - I agree with you on - - on holding it, if
7 that's the desire of the committee. But if it's
8 not the desire of the committee to hold it, I
9 don't think we should exclude any testimony until
10 we know at the next meeting whether it's going to
11 be a renewal or not renewal. If it's - - If it's
12 going to be a renewal and that's not something we
13 would take into consideration, then I think we
14 can determine whether or not that should be
15 excluded.

16 CHAIRMAN BOHL: Okay. And that's -

17 ALDERMAN ZIELINSKI: But right now, to
18 exclude it, I don't know.

19 CHAIRMAN BOHL: And - - And the city
20 attorney is saying that that type of testimony is
21 too broad, notwithstanding. So, I mean, if you
22 wish to go on - - on record in objection to the
23 advice of the city attorney, so be it.

24 Alderwoman Coggs.

25 ALDERWOMAN COGGS: My - - My greatest

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1 issue would be this. Hearing the testimony
 2 today, hearing from the city attorney, and even
 3 in taking his advice, versus a new versus a
 4 renewal, the fact that you, the Chairman, have
 5 stated that people who testify today cannot
 6 testify later, and if you strike what may not be
 7 what you and what the city attorney may consider
 8 to be not relevant for renewal, may very well be
 9 relevant for a - - a new license. And to say
 10 that the people who come and testify today cannot
 11 testify if it comes back up, I think that's where
 12 we have difficulty and problems. As alderperson
 13 of the area, I respect the fact that everybody
 14 came down here to testify. But for the fairest
 15 vetting of this issue, I believe it should be
 16 held. Because I do believe every issue she
 17 brought up is relevant. And if it's going to be
 18 a battle of what the city attorney thinks new
 19 versus renewal, I'd err on the side of us knowing
 20 for certain, so that we are not excluding
 21 testimony that may very well be relevant to the
 22 granting or not granting of this license. I
 23 would err on that side. And I apologize, if - -
 24 if - - If holding goes through with this
 25 committee, I apologize to everybody who took

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1 their time out to come, to come down here today,
 2 but this will be to me a circus if we keep going
 3 back and forth over what to allow in and what not
 4 to allow in, not knowing if it's actually a
 5 renewal or a new license.
 6 MR. MAISTELMAN: Mr. Chair - - Mr.
 7 Chair.
 8 CHAIRMAN BOHL: Mr. Maistelman.
 9 MR. MAISTELMAN: I can put in testimony
 10 right now from the architect and from the
 11 applicant that it's the same footprint, if that
 12 would assist.
 13 ALDERWOMAN COGGS: I would still - -
 14 Mr. Chair.
 15 CHAIRMAN BOHL: Alderwoman Coggs.
 16 ALDERWOMAN COGGS: I would still just
 17 request it be held. The unfortunate situation
 18 here is that the proper steps were not taken in
 19 advance. So that we wouldn't even have to be
 20 here doing all of this right now. I would prefer
 21 that the planners or whoever needs to check on
 22 whatever, do that. So that this is all official.
 23 It's not your word versus this word, or if this
 24 really happened, the neighbors saying no, they
 25 didn't really have it. I would rather that we

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1 officially know for sure what we're dealing with,
 2 so that we no longer waste anybody's time.
 3 CHAIRMAN BOHL: Testimony by architect
 4 or not, there - - I don't think that there's been
 5 a submittal of plans on record, not with the
 6 License Division.
 7 THE APPLICANT: Yeah, it come here.
 8 CHAIRMAN BOHL: Well, sir, first off,
 9 I'm sorry. With all due respect, you're not
 10 present, you're not under oath. So whether
 11 you're talking from the back row, which you are
 12 doing now, or you're out in the hallway and we
 13 hear you muffled through, you're not on record,
 14 okay. You're not under oath.
 15 Secondly, the law requires that it be
 16 submitted, not to the Department of City
 17 Development, not to DNS. It requires it be
 18 submitted to the License Division, which I'm
 19 going to assume you pulled all necessary permits
 20 with the appropriate departments. Her job is to
 21 submit with the License Division, which is this
 22 woman here. She didn't do that, whether you did
 23 it or not with
 24 - - with DCD.
 25 MR. MAISTELMAN: Mr. Chair, I would not

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1 object to holding it, like I stated before. I
 2 would just ask that I have an opportunity to
 3 cross-examine this last witness, because I
 4 haven't, or the members of the committee, since
 5 she's made her testimony.
 6 CHAIRMAN BOHL: I - - If - - If she's
 7 able, I'm more than happy to take her back again
 8 next time.
 9 THE WITNESS: I'll come back.
 10 MR. MAISTELMAN: I - - It's fresh right
 11 now, if that's okay.
 12 CHAIRMAN BOHL: All right. Go ahead.
 13 I'll allow you - - I'll allow you to raise
 14 questions.
 15 MR. MAISTELMAN: Because I'll forget
 16 what I have to ask her. And then I'll have to
 17 look at the transcripts.
 18 CHAIRMAN BOHL: But I will allow - - I
 19 will allow her to provide additional testimony to
 20 broaden.
 21 MR. MAISTELMAN: Sure. I have no
 22 objection to that. Ma'am, where did you witness
 23 someone using - -
 24 THE WITNESS: QUEST card?
 25 MR. MAISTELMAN: Yes.

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1 THE WITNESS: In the store that was
 2 torn down.
 3 MR. MAISTELMAN: Okay. When was this?
 4 THE WITNESS: This was back in the
 5 summertime.
 6 MR. MAISTELMAN: Of what year?
 7 THE WITNESS: 2009.
 8 MR. MAISTELMAN: 2009.
 9 THE WITNESS: Yes.
 10 MR. MAISTELMAN: They were buying hot
 11 food?
 12 THE WITNESS: He came in. He went over
 13 to the restaurant first. He went into the
 14 restaurant first, and he came over and he asked
 15 Netti, whatever her name is, he asked her, could
 16 he get some hot food from the restaurant, but he
 17 didn't have any money. He only had his QUEST
 18 card. She told him, yes, she could, because
 19 apparently she was familiar with the young man.
 20 I'm standing right there. I'm standing right
 21 next to him. She's talking to - - to him through
 22 the glass window. So she told him, yes, he could
 23 get it. She asked him what he wanted. She
 24 called over there to the restaurant and told the
 25 young - - whoever was working at the restaurant

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1 to let him get his food, that it was paid for,
 2 and she proceeded to type his numbers in off the
 3 QUEST card, and he swiped it.
 4 MR. MAISTELMAN: What other reasons do
 5 you - - So you're coming down here today, you do
 6 not want to see her license renewed. Is that
 7 right?
 8 THE WITNESS: No, I don't.
 9 MR. MAISTELMAN: Okay.
 10 THE WITNESS: I think they have very
 11 nasty dispositions to - - to kids in the
 12 neighborhood, and kids are our future. And
 13 that's my neighborhood, too. I have to live in
 14 that neighborhood.
 15 MR. MAISTELMAN: Do you shop there?
 16 THE WITNESS: I did shop there. Now, I
 17 - - Before they closed, I quit shopping there.
 18 MR. MAISTELMAN: Where do you shop now?
 19 THE WITNESS: I shop at - - I go all
 20 the way down to the gas station on Atkinson
 21 Street, further down Atkinson, 8th Street. I go
 22 any other direction but to their store.
 23 MR. MAISTELMAN: I have no further
 24 questions, Mr. Chairman.
 25 CHAIRMAN BOHL: Were there any

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1 questions by committee of this witness? Okay.
 2 Thank you.
 3 THE WITNESS: Can I go?
 4 CHAIRMAN BOHL: All right. Thank you,
 5 ma'am. Yes, thank you. Thank you. All right.
 6 Was there a desire just to hold this now?
 7 ALDERWOMAN COGGS: Yeah.
 8 CHAIRMAN BOHL: Okay. Motion by
 9 Alderwoman Coggs is to hold this matter at the
 10 Call of the Chair. And hearing no objections to
 11 that, so ordered. What I will just suggest is,
 12 is that you provide the documentation in - - in
 13 quick time to the License Division about what
 14 footprint we're talking about here, so we can
 15 make a determination as to whether this is an
 16 existing or whether it's a new license.
 17 MR. MAISTELMAN: Mr. Chair, do you have
 18 - - Is this going to be off of one cycle or - -
 19 or two, whatever? I mean, it might take some
 20 time to - - to process it. I don't know. Ms.
 21 Grill, what do you need? If we were to act and
 22 get everything to you today, would that give you
 23 sufficient time to have it held for one cycle or?
 24 MS. GRILL: Yes, we can do that. It's
 25 not anything that needs - - requires significant

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1 processing time.
 2 MR. MAISTELMAN: Okay.
 3 CHAIRMAN BOHL: Yeah, so we should be
 4 able to schedule it three weeks from now.
 5 MS. GRILL: But this license does
 6 expire on February 26th, and the Council doesn't
 7 meet until March 2nd, I believe, after the next
 8 license committee.
 9 MR. MAISTELMAN: Okay. So that's - -
 10 CHAIRMAN BOHL: Four days, probably.
 11 MR. MAISTELMAN: Okay.
 12 CHAIRMAN BOHL: 27th, 28th. It's not a
 13 leap year, is it?
 14 MR. SCHRIMPF: It's not a leap year.
 15 CHAIRMAN BOHL: Yeah, four days. Okay.
 16 MR. MAISTELMAN: Thank you.
 17 CHAIRMAN BOHL: All right. Thank you.
 18 Thank you to all for - - who have taken the time
 19 to come down here.
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1 STATE OF WISCONSIN)

2)

3 MILWAUKEE COUNTY)

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Court Reporter

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20 Dated this day of February, 2010.

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