



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

January 25, 2008

To the Honorable, the Common Council

Dear Members:

Common Council File 071295 is a substitute motion revoking the Class "B" Tavern license of Montal Hinton for "Montal's Lounge" at 2525 N. Holton St in the 6<sup>th</sup> aldermanic district.

Common Council File 071016 contains the following recommendations:

Nonrenewal, based on non-appearance, of the Class "D" Bartender licenses of Deitrei Henley, Jennifer Kaufmann and Brad Warobick.

Renewal, with a 15-day suspension based on the police report of the Class "B" Tavern license of Manuel Rodriguez for the premises at 2566 S. 6<sup>th</sup> St. ("Reyna's Bar") in the 14<sup>th</sup> aldermanic district.

Renewal, with a 30-day suspension based on the police report, of the Class "B" Tavern and Tavern Dance license of Shamika Evans for the premises at 3762 N. Dr. ML King, Jr. Dr. in the 6<sup>th</sup> aldermanic district.

Renewal, with a 30-day suspension based on the police report and neighborhood testimony of the Class "B" Tavern license of Humphrey Nangah, Agent for "Diamonds, Inc." for the premises located at 7607 W. Hampton Ave. ("Diamonds Pub & Grill") in the 5<sup>th</sup> aldermanic district. (Committee vote: 3 ayes, one no and one excused) (Ayes - Ald. Wade, Ald. Witkowiak and Ald. Witkowski; No - Ald. Bohl; Excused - Ald. Puente)

Nonrenewal of the Class "B" Tavern license of Stephanie Torres for the premises at 1535 W. Becher St. ("Outer Limits") in the 12<sup>th</sup> aldermanic district. (Committee vote: 4 ayes and one no) (Ayes - Ald. Witkowiak, Ald. Bohl, Ald. Puente and Ald. Witkowski; No - Ald. Wade)

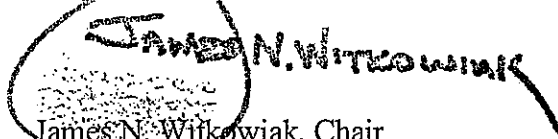
With regard to the files listed above, the Licenses Committee held an evidentiary hearing on January 22<sup>nd</sup>, 2008.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, a **roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensees.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, February 5, 2008** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style and is enclosed within a hand-drawn circle.

James N. Witkowiak, Chair  
Licenses Committee

cc: All Council Members  
Files 071295 and 071016



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: January 25, 2008

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on five complaints seeking the revocation of the Class "B" Tavern license of Montal L. Hinton for the license premises at 2525 North Holton Street in the City and County of Milwaukee, Wisconsin ("Montal's Lounge").

**FINDINGS OF FACT**

1. Montal L. Hinton (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises at 2525 North Holton Street in the City and County of Milwaukee, Wisconsin ("Montal's Lounge"). Said license expires at midnight, September 25, 2008, and was renewed by the Milwaukee Common Council on July 31, 2007 with a ninety (90) day suspension. Said suspension was in force from midnight September 25, 2007 through midnight December 24, 2007. The licensee again started his business from December 27, 2007 to the present time.
2. Complaints seeking the revocation of said license were filed with the City Clerk by Juana Caban-Rodriguez on January 9, 2008, by America Medina, on January 10, 2008, and by Mary Lee, Denise A. Treinen and James R. Hense, on January 11, 2008.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the Complaints and a Summons demanding the appearance of the Licensee before the Licenses Committee of the Milwaukee Common Council on January 22, 2008 at 3:00 PM were served on Mr. Montal Hinton as licensee of the premises located at 2525 North Holton Avenue in the City and County of Milwaukee, Wisconsin

("Montal's Lounge"), on January 14, 2008 by Sergeant Chester Ulickey, a Police Officer of the Milwaukee Police Department.

4. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. He was represented by Attorney Andrew P. Arena, Kopp and Arena, 1110 North Old World Third Street, Suite 515, Milwaukee, Wisconsin 53203. Mary Lee, America Medina, and James Hense did not appear for the proceedings, and accordingly their complaints were dismissed for lack of prosecution. The hearing proceeded on the complaints of Juana Caban-Rodriguez and Denise Treinen.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. The events leading up to the ninety (90) day suspension of this license in 2007 were as follows:

(1) A shooting of a prospective patron who was standing with security occurring outside of the premises at 2:19 am on March 18, 2007. Mr. Hinton insisted he was closed at the time. Nonetheless the shooting of a prospective patron occurred outside of the premises and the police located spent casings outside of the premises during the investigation of this matter.

(2) An incident occurring on May 20, 2007 that started as a call for a man with a gun complaint (which was baseless), but which revealed that the premises was over capacity by approximately 20 to 30 patrons.

(3) An incident occurring on May 24, 2007 wherein officers looking for a robbery suspect, noted that an area inside the premises that was supposed to be un-accessible to the patrons of the premises was unlocked and therefore accessible to them. On that occasion, Mr. Hinton was argumentative with police officers and told them that the area is not accessible to the patrons. Later that same evening, the officers again returned to the premises and noted that the entrance door was locked during operating hours. Mr. Hinton was cited for that violation.

(4) Objecting neighbors testified to the Committee that the premises is operated in such a manner that patrons leaving the premises create noise and disturbances until 2:30 or 2:45 in the morning. The objecting neighbors also testified to drug use by patrons leaving the

bar, public urination and sex by patrons leaving the bar, including prostitutes plying their trade.

B. The evidence presented by the Complainants at the Committee hearing of January 22, 2008 demonstrated that after opening on December 27, 2007 the premises was again the source of enormous noise and disturbances of attending and departing patrons including:

(1) Traffic tie ups, vehicles blowing horns, patrons yelling and screaming well after closing hours, and patrons walking up and down the street causing disturbances. At times the vehicles are stopped in the street in front of and near to the premises. At least one neighbor testified to cars in motion with patrons of the bar hanging out of the vehicles as they move up and down the street in front of the tavern.

(2) One of the security officers employed by the Club admitted that he does not become too confrontational with the individuals engaging in disturbances because the individuals might be armed. Another security guard admitted the vomiting incident, but also stated they went out to clean it up.

(3) Numerous instances of public urination by patrons. Indeed, one of the supporters and patrons of this premises who lives in a home adjacent to the premises indicated that he urinates outside of his home when he feels the urge. The rest of the adjoining neighbors are outraged by such conduct.

(4) One neighbor has moved an adult but disabled daughter to a different bedroom in the home where the daughter is less subjected to late night disturbances caused by the patrons of this premises, particularly at closing time.

(5) The adjoining neighbors have testified that Mr. Hinton has talked to them and Mr. Hinton does make efforts to move his customers along quietly at closing time. However those efforts have not resulted in alleviating the very evident problems associated with excessive noise and disturbances when the bar closes early in the morning.

C. Despite being subjected to a ninety (90) day suspension of this license ending only December 24, 2007, it is evident that the licensee has not been able to conform the conduct of the operation of this premises to the

requirements of Chapter 90 of the Milwaukee Code of Ordinances or to Chapter 125 of the Wisconsin Statutes. Two of the video tapes played for the Committee involve dates after the Committee recommended renewal with a ninety (90) day suspension (September 8 and 16, 2007), but before the effective date of the suspension. The other video tapes, taken after the bar reopened, show substantially the same conduct by patrons at closing time.

D. At hearing, much was made of a shooting that occurred to a patron of the premises on September 16, 2007. That was after the Licenses Committee recommended renewal of this license with a ninety (90) day suspension and the Common Council adopted that recommendation, but before the effective date of the recommendation. At hearing, Counsel for the licensee expressed his belief that the revocation proceeding was brought in large measure because of that event and the timing of that event. However, it is clear that the complaints were not filed until January, 2008, weeks after this premises re-opened and after a record was again made of the very problems that caused the ninety (90) day suspension early in 2007.

#### CONCLUSIONS OF LAW

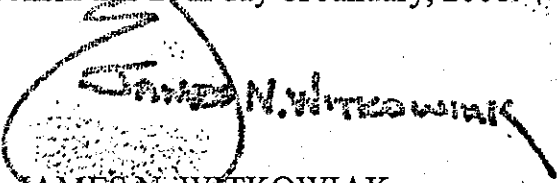
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee finds that the licensee, Montal L. Hinton, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow the continued operation of this premises.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to revoke the Class "B" Tavern license for the licensed premises at 2525 North Holton Street in the City and County of Milwaukee, Wisconsin ("Montal's Lounge") held by Montal L. Hinton based upon the danger that his conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) abstention and one (1) excused recommends that the Class "B" Tavern license held by Montal L.

Hinton for the premises at 2525 North Holton Street in the City and County of Milwaukee, Wisconsin ("Montal's Lounge") be revoked.

Dated and signed at Milwaukee, Wisconsin this 25th day of January, 2008:

A handwritten signature in black ink, appearing to read "James N. Witkowiak", is written over a circular stamp. The stamp is mostly illegible but contains some faint text.

JAMES N. WITKOWIAK  
Chairman of the Licenses Committee