



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

January 31, 2008

To the Honorable, the Common Council

Dear Members:

Re: Common Council Files 071295

Attached are written objections to the revocation of the Class "B" Tavern license of Montal L. Hinton for the premises at 2525 N. Holton St. ("Montal's Lounge") in the 6<sup>th</sup> aldermanic district. (Committee vote: 3 ayes, 1 excused and 1 abstain) (Ayes – Ald. Witkowiak, Ald. Bohl, Ald. Puente; Abstain – Ald. Wade; Excused – Ald. Witkowski)

This matter will be heard by the full Council at its February 5, 2008 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,

**JAMES N. WITKOWIAK**

James N. Witkowiak, Chair  
Licenses Committee

cc: All Council Members  
City Attorney's Office  
Common Council/City Clerk – License Division  
CCF 071295

LAW OFFICES OF  
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January 31, 2008

The Honorable Common Council  
of the City of Milwaukee  
City Hall  
200 East Wells St.  
Milwaukee, WI 53202

Ronald D. Leonhardt, City Clerk  
Room 205  
City Hall  
200 East Wells St.  
Milwaukee, WI 53202

Re: Renewal of Class "B" License  
For Montal's Lounge  
2525 N. Holton St.  
Milwaukee, WI.  
Montal Hinton, Licensee

RONALD D. LEONHARDT  
CITY CLERK

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CITY OF MILWAUKEE

Honorable Members of the Common Council:

This Office has been retained to represent the licensee, Montal L. Hinton, regarding the summons and complaint seeking the revocation of his class "B" License for "Montal's Lounge". Pursuant to Section 90-12-5-c-2 of the Milwaukee Code of Ordinances, Montal Hinton does respectfully file these written objections to the January 25, 2008 Findings of Fact and Conclusions of Law that were filed as a result of the revocation hearing on January 22, 2008. The Licensee and his representative will be present at the meeting of the Common Council on February 5, 2008 at 9:00 a.m. to present oral argument.

The Licensee appeared before the Licenses Committee on July 17, 2007 and before the Common Council on July 31, 2007 where this honorable body imposed a 90 day suspension of the Class B License for Montal's Lounge. The Licensee remained open for business until September 24, 2007 when the 90 day suspension was imposed at the end of his license year. During that time period the Licensee, Montal Hinton, worked hard at instituting a plan to satisfy the neighbor's that he was capable of operating his establishment peaceably in the neighborhood.

Montal Hinton employed several strategies that included closing a half hour before legal closing time, announcing to the patrons inside the establishment that they should leave quietly and respect the neighbors, and Montal Hinton and two other staff members walked around at closing time to tell people to be quiet and leave. Montal Hinton also spoke directly to the neighbors by going door to door, and he also met with two complainants named Denise and Jason Treinen in their home on several occasions to find out if there were any problems with customers of Montal's

Lounge. He informed all of the neighbors that he was going to be outside requesting people to leave and be quiet and to pick up any trash that may be there. Montal Hinton also provided his cell phone number to the neighbors to allow for them to contact him with any problems.

There was testimony from Denise Treinen that confirmed that Montal Hinton had visited with her and her husband on more than one occasion. She testified that Montal Hinton's customers did not respect him or do anything that he requested once they left his establishment. Upon cross examination Denise Treinen conceded that there was an occasion within days of the meeting in July, 2007 that some individuals were walking toward her husband Jason and complaining about being video taped. Denise Treinen admitted that Montal Hinton did come along and ask the individuals to go to their cars and leave, and they did in fact listen to the instructions and left. The admission on cross examination contradicted her earlier testimony.

Based upon Denise Treinen's testimony it was clear that she and her husband regularly took video tape outside in order to catch bad behavior on tape to bring to the License Committee hearing. At the hearing on January 22, 2008 there was no video provided showing any incident that was allegedly caused by a patron of Montal's Lounge from July 17, 2007 until September 8, 2007 when a video was shown of a man that was vomiting. There was no proof that this man came from Montal's Lounge. There was testimony from several witnesses that stated many people hang around in their yards or friend's yards in the neighborhood and that there are several other bars that people do walk to. An employee did state that if he saw someone vomit he would get bleach water and clean it up. There was testimony from the licensee that he was informed by the Treinen's that things were being handled and that he was doing fine. One employee supported this by testifying about a time that Mr. Hinton came back from the Treinen's home in a good mood and expressing happiness over the fact that they complimented him on the job he was doing to keep the closing time activity quiet.

On September 16, 2007 the attitude changed toward Montal Hinton because a 17 year old kid shot someone that was getting in their car when they left Montal's Lounge. The testimony was clear that this was a random act of violence and had nothing to do with the operation of Montal's Lounge. One patron testified that he was a neighbor and knew the victim and the shooter. There was some noise this evening due to the distraught screams of family members reacting to the victim being shot in the street. This event caused an emotional reaction by Denise Treinen and her husband who was detained by the Police for his video tape. Montal Hinton once again went to their home in order to explain what had occurred and it was at that time that Jason Treinen referred to the bar as a problem because it brought "n"(word) people to the neighborhood. He also told Montal to promote his business to UWM Students because they would ride bikes and not do drive by shootings. These statements were conceded in cross examination by Denise Treinen but she tried to explain them away by saying that those words are used to describe a type of person and not necessarily their color. This event was used as a basis to actively pursue getting the license revoked.

Pursuant to the previous suspension the location was closed for 90 days. The location was re-opened on December 27, 2007. There was video from December 29, 2007 that was used to allege

that a man walked down the street with a glass of wine and went into Montal's Lounge. This video was taken during business hours and no other noise or patrons are seen on the street. It was alleged by Denise Trienen that the man had a glass of wine, however, she conceded that she did not know for sure what was in the glass because she was on the second floor of her home doing the video taping. She also could not determine if it was glass or plastic. On January 19, 2007 there was some video of two cars in the street and one did beep its horn. A Milwaukee Police Officer does tell them to move along and they listened and left the area. It appears from the video that this was an event that took less than two minutes. The Licensee believes with some more hard work these incidents will cease in their entirety.

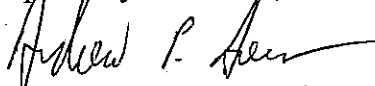
There were three other neighbors that testified. They were only able to give examples of bad behavior but not one was able to give a date or time, or actually link the people to the operation of Montal's Lounge. One lady recently moved to the neighborhood and testified that there were some people in her yard urinating. She was unclear as to the frequency. One particular witness lived next door and stated that he has urinated in his own yard, but that he was discreet about it. In paragraph B.(3) of the findings of fact this individual is discussed and the paragraph concludes that the rest of the neighbors are outraged by such conduct. Only three neighbors testified and no one saw that individual urinating in his own yard.

One of the neighbors testified that she did hear Montal Hinton asking people to leave and respect the neighbors. It is Mr. Hinton's request that he be given one more chance to root out the bad behavior that is perceived. From July 17, 2007 into September his efforts were working as is demonstrated by a lack of video for that time period. The evidence boiled down to about two minutes of some cars sitting in the road and a horn beeping. The other videos are unclear and it is hard to see the things that are claimed to be going on by the narrator, Denise Treinen, who has a clear agenda and bias against the customers of Montal's based on their color.

This location is on Holton street which is at times a heavily traveled road. This is a diverse neighborhood and it is clear from the testimony of the witnesses that the neighborhood is lively. Many people congregate in the yards and also walk through the area, and some of these people may urinate in yards, and sometimes their own yard. This is clearly an urban setting and there is some noise associated with the activity.

It is the position of the Licensee that the recommendation, in no way, represents progressive discipline. If this license is revoked the financial hardship to the Licensee will be immense. This financial pressure is enough incentive to change the patrons behavior. Montal Hinton hereby requests that a member of the Council make an appropriate motion to prevent the license from being revoked.

Respectfully Submitted,



Andrew P. Arena,  
Attorney for the Licensee