

## COMMITTEE ASSIGNMENTS

### CHAIR

- Licenses Committee

### VICE CHAIR

- Zoning, Neighborhoods and Development



### MEMBER

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

**MILELE A. COGGS**  
ALDERWOMAN, 6TH DISTRICT

Marzo 16, 2023

To the Honorable, the Common Council

Honorable Members:

Re: Common Council File Number 221741

Attached are written objections to file number 221741, Motion relating to the recommendations of the Licenses Committee relative to licenses, relating to a recommendation of:

Renewal with a sixty (60) day suspension of the Class B Tavern, Public Entertainment Premises and Food Dealer licenses based upon the preponderance of the evidence in the police report, resident testimony (written and oral) along with the aldermanic testimony for Mario A. Spencer, for the premises located at 4001 W Fond Du Lac Av. ("Infinity Lounge") in the 7<sup>th</sup> aldermanic district.

This matter will be heard by the full Council at its Tuesday, March 21, 2023 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Respectfully,

Milele Coggs, Chair  
Licenses Committee

cc: All Council Members  
City Attorney's Office  
Common Council/City Clerk – License Division  
CCF 221741





# BOBOT LAW OFFICE LLC

VINCENT J BOBOT

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March 15, 2023

Milwaukee Common Council  
200 E. Wells Street  
Milwaukee WI 53202

Jim Owczarski - City Clerk  
City of Milwaukee  
200 E. Wells Street  
Milwaukee, WI 53202

RE: Infinity Lounge LLC  
Mario A. Spencer, Agent  
4001 W. Fond du Lac Avenue  
Application for Renewal of Class B Tavern,  
Public Entertainment Premises and Food Dealer licenses

Subject: Written Objections to the Findings of Fact and Conclusions of Law

Dear City Clerk Owczarski:

We, Attorney Michael Maistelman, Maistelman and Associates and Attorney Vincent J. Bobot, Bobot Law Office LLC, represent Infinity Lounge LLC in connection with the above-referenced matter, an application for renewal of the Class B Tavern and Public Entertainment Premises and Food Dealer licenses. The Licenses Committee recommended a sixty (60) day suspension of Infinity Lounge's licenses following the hearing conducted on March 7, 2023. Additionally, Infinity Lounge LLC has been closed because its licenses expired on February 28, 2023, Alderman Khalif Rainey decided not to issue a provisional license enabling Infinity Lounge to operate its business during the interim period from its expiration date and the ratification of the suspension recommendation by the full membership of the Common Council.

The Milwaukee Police Department testified at the hearing that there were no problems with the premises. The Licensing Committee did not give the Licensee an opportunity to cross examine the police. The sole neighbor in objection submitted a video into evidence alleging that it was the Licensee's establishment, when in fact, it was not.

## OBJECTION TO THE FINDINGS OF FACT AND CONCLUSIONS OF FACT

1. The Agent, Mario A. Spencer, did not receive timely notice to renew its License pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes.

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2. Only one neighbor testified in objection to renewal or suspension of Infinity Lounge's licenses, namely, Lydia Melton. Thirty-Eight (38) neighbors were mailed notice of the hearing before the Licenses Committee and provided an opportunity to object to Infinity Lounge's license.
3. Findings of Fact #A. On March 21, 2022, Milwaukee Police were dispatched to 4001 West Fond du Lac Avenue. The Licensee was the caller. The complaint centered around a neighbor's camera being pointed at the Infinity Lounge making patrons uncomfortable. No license violation was observed by the police.
4. Findings of Fact #B. On April 10, 2022, Milwaukee Police conducted a follow-up investigation. An alleged crime was committed outside the Infinity Lounge. At the time, the premises had six-armed security guards (two of which were outside) and 16 cameras that capture the entire perimeter. The alleged crime incident did not occur at the Infinity Lounge.
5. Findings of Fact #C. On May 25, 2022 at 1:00am, a subject parked his vehicle in close proximity to the Infinity Lounge. A firearm was stolen from the subject's auto.
6. Findings of Fact #D. An employee of Infinity Lounge reported to police that a patron, who was removed from the business, pointed a firearm at her outside the premises. The employee ran and reported this incident to the police.
7. Findings of Fact #E. On September 26, 2022 at 12:08am, Milwaukee Police were dispatched to the Infinity Lounge for a noise complaint. Prior to their arrival, the music was turned down by security.
8. Findings of Fact #F. On February 7, 2023 at 11:24pm, Milwaukee Police were dispatched to the Infinity Lounge for a subject with a gun complaint. After the investigation, Milwaukee Police ruled the complaint as baseless.
9. There was no conduct in the Findings of Fact that would warrant a suspension of Infinity's licenses.

### Objections

We formally object to the Report of the Licenses Committee and recommendation of renewal of the licenses with a 60-day suspension under the following grounds:

- A. The Committee considered hearsay without any evidentiary basis;
- B. The Report contains incorrect factual and conclusion statements and key facts without any evidentiary basis;
- C. Only one neighbor testified in objection to renewal of the licenses and thirty-eight (38) neighbors were notified of the hearing.



- D. The notice with enclosures dated March 7, 2023, provided insufficient notice to Infinity Lounge citing reasons for the possible reasons for imposition of penalties in violation of 85-3, MCO:
- E. The Committee failed to conduct a hearing on the severity of the penalty imposed separate from the hearing addressing whether the license renewal application should be granted in the first instance, namely, the Licensee did not receive his renewal application in a timely manner. Thus, the Licensee was denied the opportunity to be heard on the issue of the granting of provisional license until the full membership of the Milwaukee Common Council heard the Licenses Committee.
- F. The Committee failed to follow its customary and required principles of progressive discipline when considering imposing sanctions such that it should have recommended a warning letter or a lesser suspension time. (Wisconsin courts have noted that such principles are appropriate in order to satisfy equal protection *requirements* of the U.S. Constitution, 14<sup>th</sup> Amendment. See *Village of Menomonee Falls v Michelson*, 104 Wis 2d 137, 145-146, 311 N.W. 2d 658 (Ct. App. 1981)
- G. The Committee recommendation of renewal of the licenses with a 60-day suspension constitutes an unreasonable action and a violation of the vested rights of due process possessed by the licensee in its licenses.

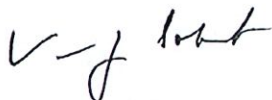
### Conclusion

With the licensed premise currently closed, the licensee, for all intents and purposes, is serving a suspension of its licenses. Without being granted a provisional license until Common Council action, the Licensee is being punished without due process of law.

The Committee could have-and should have-recommended a lesser sanction We respectfully request that, notwithstanding the recommendation of the Committee, the Common Council renew the licenses with a warning letter.

Please do not hesitate to contact Attorney Michael Maistelman at 414-333-9700 or Attorney Vincent J. Bobot at 414-430-1249.

Very truly yours,



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Attorney at Law  
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