



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

July 20, 2007

To the Honorable, the Common Council

Dear Members:

Common Council File 070556 is a substitute motion suspending the Class "B" Tavern license for 90 days and revoking the Tavern Dance license for the premises at 9316 W. Appleton Avenue ("Side Pocket Sports Bar") in the 2nd aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

Common Council File 070190 contains the following recommendations:

Renewal, with a 30-day suspension based on the police report, of the Class "B" Tavern and Tavern Dance license of Keith Winters for the premises at 2911 W. North Ave. ("Mary's Rainbow Inn") in the 15th aldermanic district.

Renewal, with a 90-day suspension based on neighborhood objections and the police report, of the Class "B" Tavern license of Montal Hinton for the premises at 2525 N. Holton Ave. ("Montal's Lounge") in the 6th aldermanic district. (Committee vote: Ayes: 3, Noes: 2)

With regard to the files listed above, the Licenses Committee held an evidentiary hearing on July 17th 2007.

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, July 31, 2007** at 9:00 A.M. in the Common Council Chambers.

Respectfully,


James N. Witkowiak, Chair

Licenses Committee

cc: All Council Members

Files 070556 and 070190 ✓



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: July 20, 2007

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application of Keith W. Winters for a Class "B" Tavern and Tavern Dance license for the premises located at 2911 West North Avenue in the City and County of Milwaukee, Wisconsin ("Mary's Rainbow Inn").

FINDINGS OF FACT

1. Keith W. Winters (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance license for the premises located at 2911 West North Avenue in the City and County of Milwaukee, Wisconsin ("Mary's Rainbow Inn"). Said license expires at midnight, September 26, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on June 18, 2007.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On June 19, 2007, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On July 6, 2007 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on July 17, 2007, commencing at 2:00 p.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the Licensee appeared and admitted receipt of notice for the hearing, as well as notice of the objection to renewal of licenses. The Licensee was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. On December 26, 2005 officers of the Milwaukee Police Department were dispatched to the licensed premises at 2911 West North Avenue in the City and County of Milwaukee, Wisconsin ("Mary's Rainbow Inn") regarding subjects fighting inside the bar. The investigation revealed that bar patrons were fighting inside the bar and were escorted outside by security. It was shortly after when several shots were heard in front of the bar. No one was injured; however, damage was caused to two parked vehicles in front of the bar from the bullets that were fired. An incident report was filed.
 - B. On December 31, 2005 officers of the Milwaukee Police Department were dispatched to the licensed premises at 2911 West North Avenue in the City and County of Milwaukee, Wisconsin ("Mary's Rainbow Inn") regarding a shots fired complaint. The investigation revealed an unknown male entered the tavern and fired one shot from a shotgun into the ceiling for unknown reasons. This unknown male then fled the scene. No one was injured and a 12 gauge shell was recovered from the scene. An incident report was filed.
 - C. On January 25, 2006 at 2:15 a.m. a license premises check of the premises at 2911 West North Avenue ("Mary's Rainbow Inn") was conducted by officers of the Milwaukee Police Department after the officers noticed that the premises was open past the allowed time of 2:00 a.m. Officers spoke to the bartender, who stated he was not serving any alcohol to any patrons and that everyone was just talking. The bartender told officers that he did not realize that this was a violation of City ordinances. Officers did not observe any alcohol on any tables or on the bar. Mr. Cole was issued a citation for patrons after hours. No other violations were observed. Mr. Cole was charged with patrons after hours, found guilty on March 20, 2006 and fined \$343.00.
 - D. On February 3, 2006 at 2:59 p.m. the applicant received a citation for sale of alcohol to underage person at the licensed premises at 2911 West North Avenue, Milwaukee, Wisconsin ("Mary's Rainbow Inn"). The applicant was charged with this offense on March 3, 2006 and fined \$152.00.
 - E. On December 5, 2006 the applicant received a citation for sale of alcohol to underage person at the licensed premises at 2911 West North Avenue, Milwaukee, Wisconsin ("Mary's Rainbow Inn"). The applicant was charged with this offense on January 31, 2007 and fined \$160.00.

CONCLUSIONS OF LAW

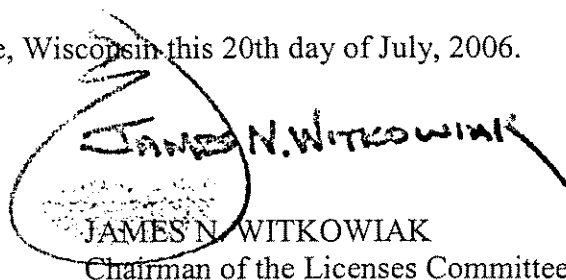
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee finds that the Licensee, Keith W. Winters, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern and Tavern Dance license held by the licensee for the premises located at 2911 West North Avenue in the City and County of Milwaukee, Wisconsin ("Mary's Rainbow Inn") without undergoing a thirty (30) day suspension of said license. The Committee finds the police report, as stated above, to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to renew the Class "B" Tavern and Tavern Dance license for the licensed premises at 2911 West North Avenue in the City and County of Milwaukee, Wisconsin ("Mary's Rainbow Inn") held by Keith W. Winters with a thirty (30) day suspension 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 five (5) ayes and zero (0) noes, recommends that the Class "B" Tavern and Tavern Dance License of Keith W. Winters for the premises located at 2911 West North Avenue in the City and County of Milwaukee, Wisconsin ("Mary's Rainbow Inn") be renewed with a thirty (30) day suspension.

Said suspension is to be in effect between 12:01 a.m. September 27, 2007 and midnight, October 26, 2007.

Dated and signed at Milwaukee, Wisconsin this 20th day of July, 2006.


JAMES N. WITKOWIAK
Chairman of the Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: July 19, 2007

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the renewal application 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, 2007.
2. An application to renew said license was filed with the Office of the City Clerk on May 29, 2007.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On May 30, 2007, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license. There were also neighborhood objections to loitering, littering, loud music and noise, shootings, drug and criminal activity and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On July 6, 2007 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections and of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report and neighborhood objections on July 17, 2007, commencing at 11:00 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the licensee appeared and

admitted receipt of the notice and police report. He was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On August 16, 2002 the applicant was cited by the City of Milwaukee for a building and zoning violation-exterior wood surface protection. The licensee was charged with this offense and found guilty on July 31, 2003 and fined \$100.00.
 - B. On July 29, 2006, the applicant was charged with violate/harassment restraining order in Milwaukee County. On December 12, 2006 the licensee was found guilty of this charge and fined.
 - C. On March 18, 2007 at 3:04 a.m. officers of the Milwaukee Police Department were dispatched to the licensed premises at 2525 North Holton Street, Milwaukee, Wisconsin ("Montal's Lounge") to check for a shooting scene. Officers spoke to Montal Hinton, the licensee who stated he heard shots fired from outside of his tavern and his tavern was closed. The licensee, Hinton, stated he had his security check outside to make sure no one was hurt. Security found no one outside. The investigation revealed that a shooting did occur with the victim stating to police that it occurred at 2:19 a.m. and that the tavern was open at the time. The victim stated he was standing with security, which would not let him in the bar, when a vehicle stopped in the middle of the street with the passenger getting out of the car shooting a gun towards the bar. When police questioned Mr. Hinton as to why he did not call police when he heard shots being fired, Mr. Hinton stated his bar was already closed for 10 minutes and he had no altercations inside the bar. When officers asked Mr. Hinton for his licenses, Mr. Hinton became irritated and rude. Officers observed cameras in the interior and exterior of the business and advised Mr. Hinton that they would need the tapes and Mr. Hinton stated he could not get them now, but would give the tapes to officers the following day. Officers located two casings in front of 2520 North Holton Street. At the hearing in this matter Mr. Hinton continued to insist that the bar was closed at the time of the shooting and that the police come fifteen to twenty minutes for a call on a subject with a gun.
 - D. On May 20, 2007 at 1:30 a.m. officers of the Milwaukee Police Department were dispatched to a subject with a gun at 2525 North Holton Street. The investigation revealed that officers found the tavern to be crowded with people to the point it appeared there was no room to move. A rough head count was done and officers estimated

approximately 100 to 110 patrons in the bar. The capacity of the licensed premises is 80. The gun call was found to be baseless. Mr. Hinton, at hearing, complained that the officers entered with shotguns drawn. However, the police department explained that is normal procedure. No citations were issued to Mr. Hinton.

- E. On May 24, 2007 at 11:50 p.m., officers of the Milwaukee Police Department responded to the area of 2500 block of North Holton Street, to check the area for possible suspects for a robbery. The officer entered Montal's Lounge at 2525 North Holton Street and spoke to the bartender, Montal Hinton. He told the officer the suspect had not entered the premises. The officer told the subject that he needed to check the premises in order to ensure that the suspect was not present. As he checked for the suspect in an unlocked door to a storage area, which was accessible to the patrons, Mr. Hinton became argumentative and told him that the officer could not search the tavern and needed to respect him.

At the hearing in this matter, Mr. Hinton insisted that the officers were about to enter an area for tenants of the building and that the door in question is normally locked.

The officer continued the search for the suspect outside of the tavern, but returned to 2525 North Holton Street at approximately 12:00 a.m., to obtain Mr. Hinton's name, when officers found the entrance door locked, with patrons inside of the open tavern and business was still being conducted. When Mr. Hinton was informed that he had to keep the door to the tavern unlocked, he said something to the effect then next time close the door. Mr. Hinton was issued a citation for license premises accessible which is pending. Mr. Hinton, at hearing, told the Committee his customers prefer that the door be locked.

- F. There were also neighbors who appeared and testified to the noise and disturbances and who also produced video tapes of the premises after closing.
- G. The neighbors complain that patrons of this establishment regularly leave at bar closing time and continue to party and make disturbing noise until 2:30 or 2:45 a.m.
- H. Neighbors complain of illegal drug use by patrons, outside, after bar closing.

- I. Neighbors complain of numerous acts of public urination and sexual activity by patrons after closing. They also complain of prostitutes plying their trade on and after closing.

CONCLUSIONS OF LAW

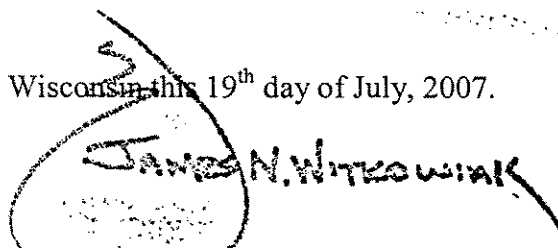
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee 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 renewal of the Class "B" Tavern license held by the licensee without undergoing a ninety (90) day suspension. The Committee finds the police report and neighborhood objections as stated above to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to renew 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 with a ninety (90) day suspension 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 and two (2) noes 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 renewed with a ninety (90) day suspension.

The suspension is to be in effect between 12:01 a.m. September 26, 2007 and midnight, December 24, 2007.

Dated and signed at Milwaukee, Wisconsin this 19th day of July, 2007.

A handwritten signature in black ink, reading "James N. Witkowiak", is written over a circular official stamp. The stamp contains the text "CITY OF MILWAUKEE" and "JULY 19 2007".

JAMES N. WITKOWIAK
Chairman of the Licenses Committee