



CITY OF MILWAUKEE  
OFFICE OF THE CITY CLERK

Thursday, February 23, 2023

REVISED COMMITTEE MEETING NOTICE

AD 07

SPENCER, Mario A, Agent  
Infinity Lounge LLC  
5836 W Betty Ln  
Brown Deer, WI 53223

You are requested to attend a hearing which is to be held in Room 301-B, Third Floor, City Hall or you may attend virtually using the link below.

**Tuesday, March 07, 2023 at 03:05 PM**

The access code is <https://meet.goto.com/446591181>. If you wish to call in: +1 (571) 317-3122 and use Access Code: 446-591-181  
Please see the enclosed best practices document for further instructions.

**Regarding:** Your Class B Tavern, Public Entertainment Premises and Food Dealer License Renewal Applications Adding Jukebox and Bottle Girls Service Performers and Change of Hours From Opening at 6PM Thu - Sat and Closing at 10PM on Sun, at 8PM Mon-Wed and, at 2AM Thu-Sat; To Open at 11AM Sun-Sat and; Close at 2AM Sun-Thu and at 2:30AM Fri & Sat as agent for "Infinity Lounge LLC" for "Infinity Lounge" at 4001 W FOND DU LAC Av.

There is a possibility that your application may be denied for one or more of the following reasons: The recommendation of the committee regarding the application shall be based on evidence presented at the hearing. Per MCO 85-4-4, unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of the following: failure of the applicant to meet municipal qualifications, pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed or permitted activity, by the applicant or by any employee or other agent of the applicant. If the activities of the applicant involve a licensed premises, whether the premises tends to facilitate a public or private nuisance or has been the source of congregations of persons which have resulted in any of the following: disturbance of the peace; illegal drug activity; public drunkenness; drinking in public; harassment of passers-by; gambling; prostitution; sale of stolen goods; public urination; theft; assaults; battery; acts of vandalism including graffiti, excessive littering, loitering, illegal parking, loud noise at times when the licensed premise is open for business; traffic violations; curfew violations; lewd conduct; display of materials harmful to minors, pursuant to s. 106-9.6; or any other factor which reasonably relates to the public health, safety and welfare, or failure to comply with the approved plan of operation. It is the intention of the Common Council to suspend or non-renew the licenses if objectors provide testimony related to the factors enumerated in MCO 85-4-4 that the Common Council finds to be true by a preponderance of the evidence and/or police reports are found to be true by a preponderance of the evidence. The police reports and other attached documents relating to objections to the license are a part of this notice and expressly incorporated in this notice. The licensee should be prepared to address these matters at the hearing.

**Notice for applicants with warrants or unpaid fines:** Proof of warrant satisfaction or payment of fines must be submitted at the hearing on the above date and time. Failure to comply with this requirement may result in a delay of the granting/denial of your application.

Failure to appear at this meeting may result in the denial of your license. Individual applicants must appear only in person or by an attorney. Corporate or Limited Liability applicants must appear only by the agent designated on the application or by an attorney. Partnership applicants must appear by a partner listed on the application or by an attorney. If you wish to do so and at your own expense, you may be accompanied by an attorney of your choosing to represent you at this hearing. You will be given an opportunity to speak on behalf of the application and to respond and challenge any charges or reasons given for the denial. No petitions can be accepted by the committee, unless the people who signed the petition are present at the committee hearing and willing to testify. You may present witnesses under oath and you may also confront and cross-examine opposing witnesses under oath. If you have difficulty with the English language, you should bring an interpreter with you, at your expense, so that you can answer questions and participate in your hearing. You may examine the application file at this office during regular business hours prior to the hearing date. Inquiries regarding this matter may be directed to the person whose signature appears below. Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in the first floor information booth in City Hall. PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at (414) 286-2998, Fax - (414) 286-3456, TDD - (414) 286-2025.

JIM OWCZARSKI, CITY CLERK

BY: \_\_\_\_\_

Jim Cooney  
License Division Manager

If you have questions regarding this notice, please contact the License Division at (414) 286-2238.

200 E. Wells Street, Room 105, City Hall, Milwaukee, WI 53202. [www.milwaukee.gov/license](http://www.milwaukee.gov/license)  
Phone: (414) 286-2238 Fax: (414) 286-3057 Email Address: [License@milwaukee.gov](mailto:License@milwaukee.gov)

# MILWAUKEE POLICE DEPARTMENT

## LICENSING

### CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS SYNOPSIS

DATE: 02/08/23

LICENSE TYPE: Class B Tavern

NEW:

RENEWAL:

No. 347998

Application Date: 02/07/23

License Location: 4001 W. Fond Du Lac Avenue

Business Name: Infinity Lounge

Licensee/Applicant: SPENCER, Mario A  
(Last Name, First Name, MI)

Date of Birth: 08/08/1980

Home Address: 5836 W. Betty Lane

City: Brown Deer

State: WI Zip Code: 53223

Home Phone: 414-460-2438

This report is written by Police Officer Corstan D. COURT, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 03/21/22 at 2:10pm, Milwaukee Police were dispatched to 4001 W. Fond Du Lac Avenue for a trouble with subject complaint. Upon arrival, officers interviewed the caller/applicant who stated that the neighbor has cameras pointed at his business making patrons uncomfortable. The applicant was advised, no citations were issued, and no license violations were observed.
2. On 04/10/22 at 1:30am, Milwaukee Police conducted follow-up on an armed robbery/carjacking which occurred outside the address of 4001 W. Fond Du Lac Avenue. The applicant told officers that the victim was inside the establishment and they stopped serving her because of her intoxication level. He also reviewed the surveillance footage and said the incident did not happen in front of the tavern. The establishment has six-armed security guards (two of which are always outside) and 16 cameras that capture the entire perimeter.
3. On 05/25/22 at 1:00am, a subject parked his vehicle within close proximity to the tavern located at 4001 W. Fond Du Lac Avenue and went inside aforementioned location. When he returned to his vehicle he found his firearm was stolen from underneath his drivers' seat. The incident was reported to police.

4. On 05/25/22, the Seventh District Desk Sergeant obtain information from a victim who is a bartender at 4001 W. Fond Du Lac Avenue. The bartender stated that on 05/25/22 a subject was removed from the tavern. When she finished her shift, she walked outside and was confronted by the subject who pointed a firearm at her. She was able to flee the location and drove to the Fourth District to report the incident.
5. On 09/26/22 at 12:08am, Milwaukee Police were dispatched to 4001 W. Fond Du Lac Avenue for a noise complaint. Upon arrival, officers interviewed a security guard/door man who stated they turned down the music before police arrival and would keep the music down until the end of normal business hours. The caller was advised of the situation.
6. On 02/07/23 at 11:24pm, Milwaukee Police were dispatched to 4001 W. Fond Du Lac Avenue for a subject with gun complaint. Investigation revealed that there was an altercation between a few females but security promptly kick them out. A walkthrough of the tavern revealed no injured subjects or people needing assistance. The call for service was ruled baseless and the applicant was cooperative during the investigation.

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233  
414-933-4444

Case #: 230560081

OtherEvent #: 23-LP-0353

## Incident

### 4001 W FOND DU LAC AV MILWAUKEE, WISCONSIN 53216

Incident Date/Time:: 03/21/2022 13:17:00  
CAD Number:: 220800882  
District:: 7  
Beat:: 750  
Reporting Area:: 2373

## Business Agent (1)

### SPENCER, MARIO ANTWAN SR

Person Involvement: (Must choose Agent  
AGENT from drop down):  
DOB:: 08/08/1980  
Sex:: MALE  
Race:: BLACK/AFRICAN AMERICAN  
Phone 1 Number:: (414)-460-2438  
Phone 1 Type:: Phone  
Address:: 5836 W BETTY LA  
City:: BROWN DEER  
State:: WISCONSIN  
Zip Code:: 53223

## Licensed Premise Data (1)

### INFINITY LOUNGE

Phone 1 Number:: (414)-460-2348  
Phone 1 Type:: Phone  
Address:: 4001 W FOND DU LAC AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216  
License Type:: Alcohol  
Licensee Notification Was Made:: No  
Business Was Cited For Violation:: No  
Licensee was cooperative: (If not  
explain in narrative): Yes  
Licensee or Manager was on  
premises at time of  
violation/incident:: Yes

## Narrative (1)

### LICENSE PREMISE REPORT

Boston, Savaughn T 024677

02/25/2023

This report is written by P.O. Savaughn BOSTON assigned to District 7, Early Power shift.

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:230560081

OtherEvent #: 23-LP-0353

On Monday March 21, 2022, at approximately 2:10 PM Squad 7245 (myself and P.O. Laura NIRODE) responded to 4001 W Fond Du Lac Ave (Infinity Lounge) regarding a trouble with subject complaint.

Nature of Call: NEIGHBOR TRBL RELATED, STATED NEIGHBOR HAS CAMERAS AT THE RES POINTED AT HIS PLACE OF BUINESS MAKING HIS PATRONS UNCOMFORTABLE

Upon arrival we spoke to the caller Mario A. SPENCER (B/M 08/08/80) and the call resulted in a C-10 (Advised). No citations were issued, and no license violatons were observed.

End of report.

## Officer (2)

Reporting Officer:	Doston, Savaughn T (024677)	02/25/2023 14:35:00
Section: (Work Location):	72	
Approving Officer:	Saric, Joseph I (021487)	02/26/2023 11:37:26
Section: (Work Location):	72	

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:221020051

OtherEvent #: 22-LP-0359

## Incident

### 4001 W FOND DU LAC AV MILWAUKEE, WISCONSIN 53216

Incident Date/Time:: 04/10/2022 01:30:00  
CAD Number:: 221000508  
District:: 7  
Beat:: 750  
Reporting Area:: 2373

## Business Agent (1)

### SPENCER, MARIO ANTWAN

Person Involvement: (Must choose Agent  
AGENT from drop down):  
DOB:: 08/08/1980  
Sex:: MALE  
Race:: BLACK/AFRICAN AMERICAN  
Phone 1 Number:: (414)-460-2438  
Phone 1 Type:: Phone  
Address:: 6836 W BETTY LN  
City:: BROWN DEER  
State:: WISCONSIN  
Zip Code:: 53223

## Licensed Premise Data (1)

### INFINITY LOUNGE

Phone 1 Number:: (414)-460-2348  
Address:: 4001 W FOND DU LAC AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216  
License Type:: Alcohol  
Licensee Notification Was Made:: No  
Business Was Cited For Violation:: No  
Licensee was cooperative: (If not explain in narrative): Yes  
Licensee or Manager was on premises at time of violation/incident:: No

## Narrative (1)

### INITIAL INVESTIGATION

Roby, Stephon R 029458

04/16/2022

This report is written by P.O. Stephon ROBY assigned to District Seven, Late Power Shift's Traffic Car.

On Friday, April 15th, 2022 I conducted a Tavern Check regarding an Armed Robbery Carjacking that

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #: 221020051

OtherEvent #: 22-LP-0359

occurred outside of Infinity Lounge On April 10th, 2022 at 1:30am.

I spoke to the owner of the business who was verbally identified as Marlo A. SPENCER B/M 08-08-80, (phone number 414-460-2438). SPENCER indicated that the victim of the carjacking was heavily intoxicated, and they stopped serving her alcohol due to her level of intoxication. SPENCER also indicated that he reviewed footage regarding this incident, and he informed me that this incident did not occur in front of the bar.

SPENCER stated that he has six armed security guards, and two of them are always outside the bar. SPENCER also has mobile security that drive around the perimeter of the location. SPENCER indicated that he has 16 cameras, and they capture the entire perimeter.

## Infinity LOUNGE

Class B Tavern License

BTAVN- 0209311

Effective Date 03/01/2022- 02-28-2023

Sunday- Wednesday 11am- 2am

Thursday - Saturday 6pm- 2am

SPENCER, MARIO A, Agent

Infinity Lounge

4001 W. Fond Du Lac Av.

Milwaukee WI, 53216-3644

Aldermanic District 07

### Officer (2)

Reporting Officer:	Roby, Steplon R (029458)	04/16/2022 02:50:00
Section: (Work Location):	74	
Approving Officer:	Schwarzhuber, Justin R (022642)	04/17/2022 20:39:20
Section: (Work Location):	74	

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:221450024

OtherEvent #: 23-LP-0238

## Incident

### 4001 W FOND DU LAC AV MILWAUKEE, WISCONSIN 53216

Incident Date/Time:: 05/25/2022 03:30:00  
CAD Number:: 221450218  
District:: 7  
Beat:: 750  
Reporting Area:: 2373

## Business Agent (1)

### SPENCER, MARIO ANTWAN SR

Person Involvement: (Must choose Agent  
AGENT from drop down): Agent  
DOB:: 08/08/1980  
Sex:: MALE  
Race:: BLACK/AFRICAN AMERICAN  
Phone 1 Number:: (414)-460-2438  
Phone 1 Type:: Phone  
Address:: 6836 W BETTY LA  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53223

## Licensed Premise Data (1)

### INFINITY LOUNGE

Phone 1 Number:: (414)-460-2348  
Phone 1 Type:: Phone  
Address:: 4001 W FOND DU LAC AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216  
License Type:: Alcohol  
Licensee Notification Was Made:: No  
Business Was Cited For Violation:: No  
Licensee was cooperative: (if not explain in narrative): No  
Licensee or Manager was on premises at time of violation/incident:: No

## Narrative (1)

### License Premise Report Narrative

Chandler, Theodore R 020418

02/10/2023

This license premise report is being written by Police Officer, Theodore R. CHANDLER assigned to the Milwaukee Police Department, District Seven, CPU Unit.



# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:221450024

OtherEvent #: 23-LP-0238

Location/Premise 4001 W. Fond Du Lac Ave Milwaukee, WI 53216. Is classified as a local commercial business (tavern style building) with owner Mario Spencer, address of 5836 W. Betty Lane Brown Deer, WI 53223. Premises is business name/title is Infinity Lounge LLC. TAX KEY# 2870001000. Class B Tavern #209311. Phone (414) 460-2438. Email: infinityloungebiz@gmail.com

## Synopsis:

On Wednesday May 25th, 2022, at the approximate time of 4:05am, Milwaukee Police Department Acting Desk Sergeant O'Shay SATHE obtained the following information.

Victim Identified as Tanesha E. SPEARS (B/F 04/18/88) phone (414) 998-9756, reported on Wednesday May 25th, 2022, at the approximate time of 3:30am at the location of 4001 W. Fond Du Lac Ave Milwaukee, WI 53216 (Infinity Lounge) SPEARS was currently working as a bartender for the aforementioned tavern. SPEARS reported a customer only known as "Larry" had been removed from the premises. SPEARS reported leaving the establishment once her shift was over and walking to her vehicle. SPEARS reported observing a black SUV pull-up alongside her, observed the driver/operator of the vehicle as "Larry" who then pointed a black handgun at her and stated, "yeah bitch". SPEARS reported "Larry" driving a black SUV bearing (unknown state plate) LDAL62 of which plates did not list to the vehicle.

SPEARS was able to flee the location in her personal vehicle and had driven to the Milwaukee Police Department District Four Police Station to report the incident.

According to the initial report, no video surveillance of the incident had been reviewed, nor follow-up was conducted.

\*\*\*this concludes the supplemental report\*\*\*

End Report,

Police Officer. Theodore R. CHANDLER

Milwaukee Police Department

District Seven, Early Power

02/10/23

### Officer (2)

Reporting Officer:	Chandler, Theodore R (029418)	02/10/2023 15:09:00
Section: (Work Location):	72	
Approving Officer:	Mengel, Matthew P (018650)	02/11/2023 11:41:53
Section: (Work Location):	58	

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:230580005

OtherEvent #: 23-LP-0367

## Incident

**4001 W FOND DU LAC AV Milwaukee, WISCONSIN 53216**

Incident Date/Time:: 09/26/2022 00:08:00  
CAD Number:: 222891734  
District:: 7  
Beat:: 750  
Reporting Area:: 2373

## Business Agent (1)

**SPENCER, MARIO ANTWAN SR**

Person Involvement: (Must choose Agent  
AGENT from drop down):  
DOB:: 08/08/1980  
Sex:: MALE  
Race:: BLACK/AFRICAN AMERICAN  
Phone 1 Number:: (414)-334-1671  
Phone 1 Type:: Phone  
Address:: 5836 W BETTY LA  
City:: BROWN DEER  
State:: WISCONSIN  
Zip Code:: 53223

## Licensed Premise Data (1)

**INFINITY LOUNGE**

Address:: 4001 W FOND DU LAC AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216  
License Type:: Alcohol  
Licensee Notification Was Made:: No  
Licensee Notified Date/Time:: 02/07/2023 23:35:00  
Business Was Cited For Violation:: No  
Licensee was cooperative: (If not explain in narrative): Yes  
Licensee or Manager was on premises at time of violation/incident:: Yes

## Narrative (1)

### LICENSE PREMISE REPORT

Maholmes, Lorenzo C 027400

02/27/2023

This report was submitted by P.O. Lorenzo MAHOLMES assigned to District 7 Late Shift.

On Monday September 26, 2022, at approximately 12:08 A.M. Squad 7350(myself and P.O. Hugo AVILES

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:230580005

OtherEvent #: 23-LP-0367

wearing full duty uniforms and activated body cameras and operating a marked squad.) were dispatched to a Noise Nuisance complaint at the Business "INFINITY LOUNGE" located at the address of 4001 W FOND DU LAC AVE. which is located in the City and County of MILWAUKEE.

Upon arrival no music or disturbance was occurring at the time, and I spoke with a security guard/doorman for the business who stated they turned the music down prior to our arrival and was going to keep the music down.

I called the caller and advised them that staff of the business was going to keep the music down and shut down at normal hours.

This call resulted in a c10(advised) for all parties involved.

## Officer (2)

Reporting Officer:	Maholmes, Lorenzo C (027400)	02/27/2023 00:37:00
Section: (Work Location):	73	
Approving Officer:	Velasquez, Guadalupe (018673)	02/27/2023 08:07:27
Section: (Work Location):	04	

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:223620014

OtherEvent #: 23-LP-0239

## Incident

### 3301 N 40TH ST MILWAUKEE, WISCONSIN 53216

Incident Date/Time:: 12/28/2022 02:23:00  
CAD Number:: 223620133  
District:: 7  
Beat:: 750  
Reporting Area:: 2373

## Business Agent (1)

### SPENCER, MARIO A

Person Involvement: (Must choose Agent  
AGENT from drop down):  
Phone 1 Number:: (414)-460-2438  
Address:: 4001 W FOND DU LAC AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216

## Licensed Premise Data (1)

### INFINITY LOUNGE

Phone 1 Number:: (414)-460-2348  
Phone 1 Type:: Phone  
Address:: 4001 W FOND DU LAC AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216  
License Type:: Alcohol  
Licensee Notification Was Made:: No  
Business Was Cited For Violation:: No  
Licensee was cooperative: (if not explain in narrative): No  
Licensee or Manager was on premises at time of violation/incident:: No

## Narrative (1)

### License Premise Report Narrative

Chandler, Theodore R 029418

02/10/2023

This license premise report is being written by Police Officer. Theodore R. CHANDLER assigned to the Milwaukee Police Department, District Seven, CPU Unit.

Location/Premise 4001 W. Fond Du Lac Ave Milwaukee, WI 53216. Is classified as a local commercial business (tavern style building) with owner Mario Spencer, address of 5836 W. Betty Lane Brown Deer, WI 53223. Premises is business name/title is Infinity Lounge LLC. TAX KEY# 2870001000. Class B Tavern

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233  
414-933-4444

Case #:223620014

OtherEvent #: 23-LP-0239

#209311. Phone (414) 460-2438. Email: infinityloungebiz@gmail.com

## Synopsis:

On Wednesday December 28th, 2022, at the approximate time of 2:46am, Milwaukee Police Department District Seven Police Officer. Corey HARRIS (SQUAD 7350) reported the following information.

Victim identified as Laquanis R. BARKSDALE (B/M 04/28/92) phone (414) 530-4279, reported on Wednesday May 25th, 2022, at the approximate time of 1:00am, he had parked his personal vehicle at the location of 3301 N.40th St. which is located within the City and County of Milwaukee, WI. Vehicle is a white 2014 Subaru Outback bearing WI-Auto ALP-8124.

On Friday February 10th, 2023, at 4:20pm, I had spoken with Laquanis R. BARKSDALE via telephone and confirmed that he had been inside the aforementioned establishment (Infinity Lounge) during the reported theft. Additionally, the location of his parked vehicle is within close proximity to the establishment.

Laquanis R. BARKSDALE reported his black 10mm Glock Firearm had been stolen from underneath his drivers-seat, after the unknown subjects had broken his front passenger window.

According to the initial report, no video surveillance of the incident had been reviewed, nor follow-up was conducted.

\*\*\*this concludes the license premise report\*\*\*

End Report,

Police Officer. Theodore R. CHANDLER

Milwaukee Police Department

District Seven, Early Power

02/10/23

### Officer (2)

Reporting Officer:	Chandler, Theodore R (029418)	02/10/2023 16:04:00
Section: (Work Location):	72	
Approving Officer:	Mengel, Matthew P (018650)	02/11/2023 12:28:07
Section: (Work Location):	58	

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:230560100

OtherEvent #: 23-LP-0354

## Incident

4001 W FOND DU LAC AV Milwaukee, WISCONSIN 53216

Incident Date/Time:: 02/07/2023 23:24:00  
CAD Number:: 230381415  
District:: 7  
Beat:: 750  
Reporting Area:: 2373

## Business Agent (1)

SPENCER, MARIO ANTWAN SR

Person Involvement: (Must choose Agent  
AGENT from drop down):  
DOB:: 08/08/1980  
Sex:: MALE  
Race:: BLACK/AFRICAN AMERICAN  
Phone 1 Number:: (414)-334-1571  
Phone 1 Type:: Phone  
Address:: 5836 W BETTY LA  
City:: BROWN DEER  
State:: WISCONSIN  
Zip Code:: 53223

## Licensed Premise Data (1)

INFINITY LOUNGE

Address:: 4001 W FOND DU LAC AV  
City:: MILWAUKEE  
State:: WISCONSIN  
Zip Code:: 53216  
License Type:: Alcohol  
Licensee Notification Was Made:: No  
Licensee Notified Date/Time:: 02/07/2023 23:35:00  
Business Was Cited For Violation:: No  
Licensee was cooperative: (if not  
explain in narrative): Yes  
Licensee or Manager was on  
premises at time of  
violation/incident:: Yes

## Narrative (1)

### LICENSE PREMISE REPORT

Waszak, Nicholas 030934

02/25/2023

This report was written by P.O. Nicholas WASZAK assigned to District 7 early shift.

On Tuesday, February 7th, 2023, at approximately 11:29 PM, P.O. Thomas FALK and I (SQUAD 7220)

# Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:230560100

OtherEvent #: 23-LP-0354

were dispatched to Infinity Lounge, 4001 W Fond Du Lac Av, regarding a subject with gun call for service.

## Dispatch

Created: 02/07/2023 23:24

Anonymous Caller

"CLLR NLOS STS APROX 4 SUBJS HAD GUNS DRAWN DURING PHYSICAL FIGHT BETWEEN 2 FEMALES..JUST OCCD...MED REFUSED

S#:1 Race:B Sex:M Age:25-30 Hght:600 Bld:MED Weapon:HAND GUN WAIST Misc:BLK HOODIE

S#:2 Race:B Sex:M Age:25-35 Hght:600 Bld:MED Weapon:HAND GUN Misc:BLK CLOTHES

S#:3 Race:B Sex:M Age:25-30 Hght:600 Bld:MED Weapon:HAND GUN LEFT JKT POCKET Misc:BLU HOODIE

S#:4 Race:B Sex:M Age:25-30 Hght:600 Bld:MED Weapon:HAND GUN WAIST Misc:YELLOW POLO

INSIDE LOC...FIGHT AND SUBJS W/GUNS

CLLR STS 2 SUBJS W/BLKL HOODIES LOOKED LIKE SECURITY"

## Initial Investigation

Upon arrival we made contact with the owner of the lounge, **Marlo A. SPENCER (B/M 08-08-1980)**. SPENCER stated they did not have any altercation between subjects with guns. SPENCER stated there was an argument between a few females, but security promptly kicked them out of the establishment.

P.O. FALK and I walked through the bar, and we did not observe any injured subjects, persons needing police assistance, or evidence of a fight.

We were not able to call back the original caller because they did not provide a phone number to reach them at. We ultimately ruled this call to be unfounded and baseless per our investigation.

SPENCER was cooperative during this investigation.

## End of Report

### Officer (2)

Reporting Officer:	Waszak, Nicholas (030934)	02/25/2023 15:54:00
Section: (Work Location):	72	
Approving Officer:	Alvarado, Rodolfo (013909)	02/25/2023 18:53:46
Section: (Work Location):	72	

HCC

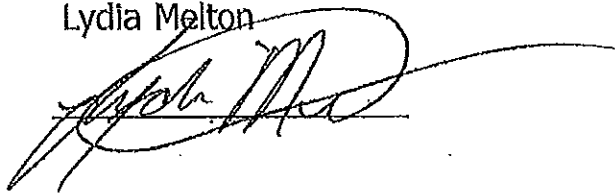
8/5/2022  
Lydia Melton

To the License Division,

I Lydia Melton swear that this statement about Infinity Lounge is True.

I live at 3315 N 40<sup>th</sup> St. not even 2 feet away from Infinity Lounge. I've been having problems with Infinity Lounge ever since the owner Mario Spencer obtained his Occupancy License!. I have videos to back up what I'm saying. There are people urinating on the side of my house (by my bedroom window), loud music, cars parking and blocking my driveway, people loitering in front of my house, shootings, fights, trash, Strippers, stays open past 2:30 Bar Time and More.

Lydia Melton

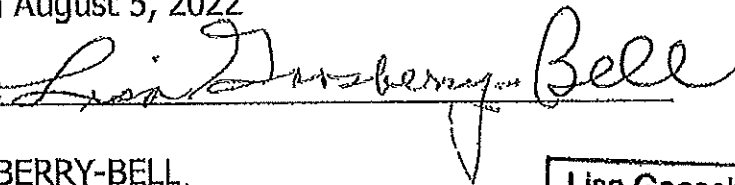


Date:

8-5-22

State of WISCONSIN, MILWAUKEE County of Subscribed and sworn to before me on August 5, 2022

Notary Public



LISA GOOSEBERRY-BELL.

My commission/term expires: 02/25/2025

Lisa Gooseberry - Bell  
NOTARY PUBLIC  
STATE OF WISCONSIN

2022 AUG -9 P 3:52  
CITY OF MILWAUKEE  
LICENSE DIVISION







Office of the City Clerk  
License Division

Jim Owezarski  
City Clerk  
joweza@milwaukee.gov

Jim Cooney  
License Division Manager  
jim.cooney@milwaukee.gov

October 12, 2022

Lydia Melton  
3315 N 40<sup>th</sup> St  
Milwaukee, WI 53216

Dear Ms. Melton:

Your revocation complaint has been scheduled to be heard by the Licenses Committee on Tuesday, October 18, 2022 at 3:30pm or as soon as possible thereafter in City Hall, 200 E Wells St, Room 301b. You may attend the hearing virtually using the link below.

LICENSES COMMITTEE - 10.18.22  
Tue, Oct 18, 2022 9:00 AM - 5:00 PM (CDT)

Please join my meeting from your computer, tablet or smartphone.  
<https://meet.goto.com/763126797>

You can also dial in using your phone.  
United States: +1 (646) 749-3122  
Access Code: 763-126-797

The hearing will be conducted in accordance with section 125.12 and 85-3 to 85-5, 90-12, 108-11, and 68-21.13 of the Milwaukee Code of Ordinances, copies of which are enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Cooney", written over a horizontal line.

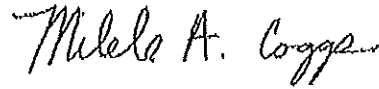
Jim Cooney  
License Division Manager



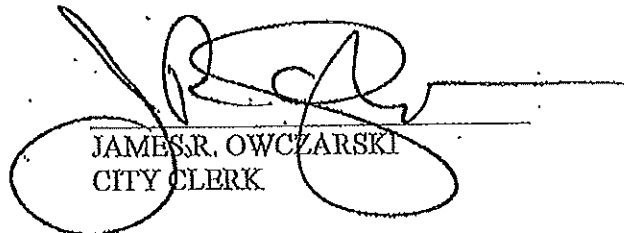


as true. If the Committee determines that the allegations are sufficient and the circumstances warrant, the law permits your licenses be revoked or suspended.

Dated as of the 6th day of October 2022.



ALDERWOMAN MILELA A. COGGS  
CHAIRMAN, LICENSES COMMITTEE



JAMES R. OWCZARSKI  
CITY CLERK

Complaint; Wisconsin Statutes Section 125.12;  
Milwaukee Code of Ordinances Sections 85-3 to 85-5, 90-12, 108-11 and 68-21.13

## Wis. Stat. § 125.12

Section 125.12 - Revocations, suspensions, refusals to issue or renew

### (1) REVOCATION, SUSPENSION, NONISSUANCE OR NONRENEWAL OF LICENSE.

(a) Except as provided in this subsection, any municipality or the department may revoke, suspend or refuse to renew any license or permit under this chapter, as provided in this section.

(b)

1. In this paragraph, "violation" means a violation of s. 125.07(1) (a), or a local ordinance that strictly conforms to s. 125.07(1) (a).

2. No violation may be considered under this section or s. 125.04(5) (a) 1 unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this section or s. 125.04(5) (a) 1.

(c) Neither a municipality nor the department may consider an arrest or conviction for a violation punishable under s. 101.123(8) (d), 945.03(2m), 945.04(2m), or 945.05(1m) in any action to revoke, suspend, or refuse to renew a Class "B" or "Class B" license or permit.

### (2) REVOCATION OR SUSPENSION OF LICENSES BY LOCAL AUTHORITIES.

(a) *Complaint.* Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging one or more of the following about a person holding a license issued under this chapter by the municipality:

1. The person has violated this chapter or municipal regulations adopted under s. 125.10.

2. The person keeps or maintains a disorderly or riotous, indecent or improper house.

3. The person has sold or given away alcohol beverages to known habitual drunkards.

4. The person does not possess the qualifications required under this chapter to hold the license.

5. The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41(1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41(1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.

5m. The person has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to s. 961.65.

6. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.

6m. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

7. The person received the benefit from an act prohibited under s. 125.33(11).

(ar) *Summons.* Upon the filing of the complaint, the municipal governing body or a duly authorized committee of a city council shall issue a summons, signed by the clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the municipal governing body or the committee on a day and place named in the summons, not less than 3 days and not more than 10 days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least 3 days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under ch. 80 for service in civil actions in circuit court.

(h) *Procedure on hearing.*

1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.

2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the municipal governing body and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked, except that, if a complaint under par. (ag) 4. is found to be true with respect to a license issued under s. 125.51(4) (v), the license shall be revoked.

3. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both. If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided under subd. 2.

4. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

5. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the municipal governing body finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The municipal governing body or the committee may require the complainant to provide security for such costs before issuing the summons under par. (ar).

(c) *Effect of revocation.* When a license is revoked under this subsection, the revocation shall be recorded by the clerk and no other license issued under this chapter may be granted within 12 months of the date of

revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

(d) *Judicial review.* The action of any municipal governing body in granting or failing to grant, suspending or revoking any license, or the failure of any municipal governing body to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the municipality. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the municipal governing body in the manner provided in ch. 801 for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The municipal governing body, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, the matter shall be deemed at issue and hearing may be had within 5 days, upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within 10 days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding, unless it is appealed to the court of appeals.

(3) **REFUSALS BY LOCAL AUTHORITIES TO RENEW LICENSES.** A municipality issuing licenses under this chapter may refuse to renew a license for the causes provided in sub. (2) (ag). Prior to the time for the renewal of the license, the municipal governing body or a duly authorized committee of a city council shall notify the licensee in writing of the municipality's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub. (2) (b) and judicial review shall be as provided in sub. (2) (d). If the hearing is held before a committee of a city council, the committee shall make a report and recommendation as provided under sub. (2) (b) 3. and the city council shall follow the procedure specified under that subdivision in making its determination.

(3m) **REFUSALS BY LOCAL AUTHORITIES TO ISSUE LICENSES.** If a municipal governing body or duly authorized committee of a city council decides not to issue a new license under this chapter, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision.

(4) **SUSPENSION OR REVOCATION OF LICENSES ON COMPLAINT OF THE DEPARTMENT.**

(ag) *Complaint.* A duly authorized employee of the department may file a complaint with the clerk of circuit court for the jurisdiction in which the premises of a person holding a license issued under this chapter is situated, alleging one or more of the following about a licensee:

1. That the licensee has violated this chapter;
2. That the licensee keeps or maintains a disorderly or riotous, indecent or improper house.
3. That the licensee has sold alcohol beverages to known habitual drunkards.
4. That the licensee has failed to maintain the premises in accordance with the standards of sanitation prescribed by the department of health services.
5. That the licensee has permitted known criminals or prostitutes to loiter on the licensed premises.
6. That the licensee does not possess the qualifications required under this chapter to hold the license.
7. That the licensee has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41(1); of possessing, with intent to manufacture, distribute or

deliver, a controlled substance or controlled substance analog under s. 961.41(1m) ; or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.

7m. That the licensee has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that section or under a federal law or a law of another state that is substantially similar to s. 961.65 .

8. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.

8m. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

(a) *Summons.* Upon the filing of the complaint, the clerk of the court shall issue a summons commanding the licensee to appear before the court not less than 20 days from its date of issuance and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served at least 20 days before the date on which the person is commanded to appear. Service shall be in the manner provided in ch. 801 for civil actions in circuit court.

(b) *Procedure on hearing.* If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the court finds the allegations sufficient, it shall order the license either suspended for not more than 90 days or revoked, except that, for allegations under par. (a) 6. with respect to a license issued under s. 125.51(4) (v) , it shall order the license revoked. The clerk of the court shall give notice of the suspension or revocation to the person whose license is suspended or revoked. If the licensee appears and answers the complaint, the court shall fix a date for the hearing not more than 30 days after the return date of the summons. The hearing shall be had before the court without a jury. If upon the hearing the court finds the allegations of the complaint to be true, it shall order the license either suspended for not more than 90 days or revoked, except that, if upon the hearing the court finds allegations under par. (a) 6. to be true with respect to a license issued under s. 125.51(4) (v) , the court shall order that license revoked. If the court finds the allegations of the complaint to be untrue, the complaint shall be dismissed.

(c) *Effect of revocation or suspension.* When a license is revoked or suspended under this subsection, the clerk of court shall notify the authority which issued the license. If the license is revoked, no other license may be issued under this chapter to the person whose license was revoked or to any person related to him or her as owner, lessor, bailor or lender, within the 12 months after the date of revocation and no other license may be granted for the premises covered by the revoked license within 60 days of the date of revocation. The findings and order of the court shall be filed within 10 days after the hearing and the order shall be final unless appeal is taken to the court of appeals. If an appeal is taken from a revocation, any period during which the order is stayed shall be added to the 12 months and 60 days, respectively. No part of the fee paid for any license which is revoked may be refunded. Whenever any court has revoked or suspended any license under this subsection, no further proceedings shall be commenced under this subsection except upon grounds arising after the original revocation or suspension.

(5) **REVOCATIONS OR SUSPENSIONS OF, OR REFUSALS TO RENEW, PERMITS BY THE DEPARTMENT.** The department may, after notice and an opportunity for hearing, revoke, suspend or refuse to



renew any retail permit issued by it for the causes provided in sub. (4) and any other permit issued by it under this chapter for any violation of this chapter or ch. 139, except that, for a violation of sub. (4) (ag) 6. with respect to a license issued under s. 125.51(4) (v) or a violation of s. 125.535 or 139.035, the department shall revoke the license or permit. A revocation, suspension or refusal to renew is a contested case under ch. 227.

**(6) REVOCATION OR SUSPENSION OF INTOXICATING LIQUOR WHOLESALERS' PERMITS FOR CERTAIN VIOLATIONS.**

(a) Any person may file a sworn written complaint with the department alleging that an intoxicating liquor wholesaler has violated s. 125.54(7) (a). The complaint shall identify the specific legal basis for the complaint and sufficient facts for the department to determine whether there is cause to find that a violation has occurred. The department shall provide a copy of the complaint to any wholesaler against whom allegations are made, along with notice of the time period under par. (b) to show cause why the wholesaler's permit should not be revoked or suspended or to request a hearing.

(b) Within 30 days of receiving a copy of the complaint under par. (a), any wholesaler against whom allegations are made may file a sworn written response or a written request for an evidentiary hearing before the department under s. 227.44.

(c) Subject to pars. (d) 1. and (dm), if no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which a response or request for hearing is due under par. (b), the department shall make a written decision as to whether a violation has occurred and either dismiss the complaint or take action under par. (e). Any decision under this paragraph shall include findings of fact and conclusions of law and shall state all reasons for the decision. The department shall provide a copy of the decision to the complainant and to any wholesaler against whom allegations are made.

(cm) Subject to pars. (d) 2. and (dm), if a request for an evidentiary hearing is made under par. (b), the hearing shall be conducted in the manner specified for a contested case under ss. 227.44 to 227.50, except that the hearing shall be conducted within 45 days of receiving the request for hearing under par. (b) and the department shall make its written decision, including whether a violation has occurred and whether the complaint is dismissed or action is taken under par. (e), within 15 days after the hearing. In addition to service of the decision as provided under s. 227.48, the department shall provide a copy of the decision to the complainant.

(d)

1. If no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which a response or request for hearing is due under par. (b), the department may extend the time period for making a decision under par. (c) by an additional 60 days if the department provides notice within the time period specified in par. (c) that an additional 60 days is necessary for investigation.

2. If a request for an evidentiary hearing is made under par. (b), within 45 days of receiving the request for hearing under par. (b), the department may extend the time period for conducting the hearing by an additional 45 days if the department provides notice within 45 days of receiving the request for hearing under par. (b) that an additional 45 days is necessary for investigation.

(dm) Within 45 days of receiving any response or request for hearing under par. (b) or, if no response or request for hearing is made, within 45 days of the date on which a response or request for hearing is due under par. (b), the department may elect to file a complaint in circuit court under sub. (4) that includes all allegations of the complaint under par. (a) for which the department determines there is cause to find that a

Section 125.12 ... Wls. Stat. § 125.12

violation of s. 125.54(7) (a) has occurred. If the department files a complaint in circuit court as provided under this paragraph, the department shall not conduct a hearing under par. (om) or make a written decision under par. (c), but shall proceed with the matter as provided under sub. (4).

(e) If the department finds the allegations under par. (a) true and sufficient, the department shall either suspend for not less than 10 days nor more than 90 days or revoke the wholesaler's permit, and give notice of the suspension or revocation to the wholesaler.

(f) A revocation or suspension proceeding under this subsection is a contested case under ch. 227, except that ss. 227.44 to 227.50 apply to a proceeding under this subsection only if a request for an evidentiary hearing is made under par. (b).

*Wis. Stat. § 125.12*

1981 c. 79; 1983 a. 516; 1987 a. 93; 1993 n. 98; 1995 a. 27 s. 9126 (19); 1995 a. 417, 448; 1997 a. 27, 35, 166, 187; 1999 a. 9; 2005 a. 14, 25, 442; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 12.

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permitted to present the applicant's own witnesses, subject to cross-examination.

e. Committee members may ask questions of witnesses.

f. The applicant shall be permitted a brief summary statement.

4. **RECOMMENDATION.** The recommendation of the committee regarding the applicant shall be based on evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

a. Whether or not the applicant meets the municipal requirements.

b. The appropriateness of the location and premises where the licensed premises is to be located and whether use of the premises for the purposes or activities permitted by the license would tend to facilitate a public or private nuisance or create undesirable neighborhood problems such as disorderly patrons, unreasonably loud noise, litter, and excessive traffic and parking congestion. Probative evidence relating to these matters may be taken from the plan of operation submitted with the license application.

c. The fitness of the location of the premises to be maintained as the principal place of business, including but not limited to whether there is an overconcentration of businesses of the type for which the license is sought, whether the proposal is consistent with any pertinent neighborhood business or development plans, or proximity to areas where children are typically present.

d. The applicant's record in operating similarly licensed premises.

e. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the activity to be permitted by the license being applied for.

f. Any other factors which reasonably relate to the public health, safety and welfare.

5. **FACTORS NOT CONSIDERED FOR RECOMMENDATION.** The recommendations of the committee regarding the applicant shall not be based on evidence presented at the hearing related to the type or content of any music, or the actual or likely financial or non-financial effects on actual or potential competitors.

6. **Committee Decision.** The committee may make a recommendation immediately following the hearing or at a later

date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

7. **DOCUMENT.** If the common council grants the application for a license, the city clerk, or other city official or department authorized by the code to issue licenses, shall issue an appropriate document to the applicant confirming that fact. The document shall also contain any restrictions or conditions which the common council may place on approval.

85-3. **Notice and Service.** 1. **NOTICE OF POSSIBLE NON-RENEWAL, SUSPENSION OR REVOCATION.** a. Unless otherwise provided, the city clerk, or other city official or department authorized by the code to receive applications for licenses or permits, shall provide written notice of the possibility of non-renewal, or of suspension or revocation of a license or permit to the applicant addressed to the person or agent at the address most recently provided by the applicant.

b. Written notice of possible non-renewal, suspension or revocation shall include:

b-1. The date, time and place of a hearing to be held by the committee.

b-2. A statement of the common council's intent to revoke, suspend or not renew the license or permit if objections, charges or allegations are found to be true.

b-3. A statement of the specific reasons for revocation, suspension or non-renewal.

b-4. A statement that an opportunity will be provided to respond to and challenge the reasons for revocation, suspension or non-renewal, and to present witnesses under oath and to confront and cross-examine witnesses under oath.

b-5. A statement that the applicant may be represented by an attorney of the applicant's choice at the expense of the applicant.

b-6. A statement that, if the applicant requires the assistance of an interpreter, the applicant may employ an interpreter at the expense of the applicant.

b-7. A statement that, upon conclusion of a hearing before the committee, the committee will prepare a written report and recommendation to the common council, and shall provide a copy of the report and recommendation to the applicant.

## 85-4 License and Permit Procedures

2. **SERVICE OF DOCUMENTS.** Service of notices of meetings and service of other documents including committee reports and recommendations shall be made upon any party entitled to such notice and service by placing the same in the United States first class mail, postage prepaid. Hearing notices shall be served upon the applicant so that the applicant has at least 7 days' notice of the hearing.

3. **OBJECTIONS. a. How Made.** Notice of an objection to the renewal of a license or in support of suspension of a license or permit by an interested party shall not be included in the notice of hearing if the objection has not been received by the city clerk within 45 days of the expiration of the license. Failure to timely submit an objection shall not be a bar to testimony or other evidence that relates to any matter actually identified in the notice of hearing as a basis for nonrenewal or suspension. An objection shall include information that could form the basis of a license nonrenewal or suspension and may be transmitted in writing or by electronic means. Any city official, or the official's delegate, shall forward an objection from an interested party, or from a resident as provided in s. 80-1-19, to the city clerk. The information provided by an official or the official's delegate to the city clerk shall include the name of the objector, contact information for the objector, and information known to the objector that may form a basis for nonrenewal or suspension. The submission by a city official or the official's delegate of a written summary of the objection to the city clerk shall be treated in the same manner as other objections. The city clerk is authorized to establish forms for the purpose of assisting persons wishing to submit an objection.

b. **Exception.** If application for renewal is filed with the city clerk after the deadline for renewal application established by the city clerk and prior to the expiration of the license, an objection may be submitted in fewer than 45 days prior to the expiration of the license and may be considered at a regularly scheduled meeting of the licensing committee provided sufficient and timely notice is given.

**85-4. Hearing Procedure; Non-Renewal, Suspension or Revocation. 1. AUTHORITY OF COMMITTEE.** The committee shall conduct hearings with respect to the non-renewal, suspension or revocation of a license or permit pursuant to this section. The chair of the committee shall be the presiding officer.

1.5. **MULTIPLE LICENSE TYPES.** When the committee conducts a hearing relating to the possible denial, non-renewal, suspension or revocation of a business type license and the licensee holds one or more other types of licenses or permits issued by the city clerk for the same premises, the committee shall also consider possible non-renewal, suspension or revocation of the other licenses or permits at the same hearing. Notice of possible denial, non-renewal, suspension or revocation of the non-alcohol beverage licenses or permits shall be provided in accordance with s. 85-3.

2. **COMMITTEE HEARING PROCEDURE. a.** The chair shall advise the applicant of the right to proceed to a due process hearing represented by counsel with all testimony, both direct and cross examination, under oath or that the applicant may simply make a statement to the committee.

b. The chair shall direct that oaths be administered and subpoenas issued upon request of any party.

c. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this section. The chair shall open the hearing with a statement that a notice was sent to the applicant, and, if the applicant appears, shall further inquire whether the notice was received. Unless expressly provided elsewhere in this code, the chair shall advise the licensee and parties seeking nonrenewal, suspension or revocation of the license that each side will be limited to 30 minutes for testimony and oral argument. This time may be extended by the chair, subject to approval by the committee, if additional time is necessary for a full and fair presentation of the facts and arguments. When permitted, by the chair, questioning by committee members and relevant responses shall not count against the time limitation. In the event that the applicant does not admit receipt of the notice and also denies knowledge of the contents of the notice, the chair shall ascertain whether the applicant wishes to immediately proceed to a full hearing or whether the applicant wishes the matter to be held to the call of the chair or to a time certain. The decision to proceed or to hold the matter shall be made by the committee.

d. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

## License and Permit Procedures 85-4-3

3. **RECORD.** An electronic or stenographic record shall be made of all licensing proceedings before the licensing committee and the common council. An electronic record shall audibly, accurately and completely reflect the testimony and statements made by participants in the proceedings. Recordings shall be maintained in a manner prescribed by the city clerk. An electronic record shall be made available for stenographic transcription or for transcription by other means at the expense of the person or party seeking the transcription of all or any portion of the record.

4. **GROUND FOR NON-RENEWAL, SUSPENSION OR REVOCATION.** The recommendations of the committee regarding the applicant shall be based on evidence presented at the hearing. Unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of:

a. Failure of the applicant to meet municipal qualifications.

b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed or permitted activity, by the applicant or by any employee or other agent of the applicant.

c. If the activities of the applicant involve a licensed premises, whether the premises tends to facilitate a public or private nuisance or has been the source of congregations of persons which have resulted in any of the following:

- c-1. Disturbance of the peace.
- c-2. Illegal drug activity.
- c-3. Public drunkenness.
- c-4. Drinking in public.
- c-5. Harassment of passers-by.
- c-6. Gambling.
- c-7. Prostitution.
- c-8. Sale of stolen goods.
- c-9. Public urination.
- c-10. Theft.
- c-11. Assaults.
- c-12. Battery.
- c-13. Acts of vandalism including graffiti.
- c-14. Excessive littering.
- c-15. Loitering.
- c-16. Illegal parking.
- c-17. Loud noise at times when the licensed premise is open for business.

- c-18. Traffic violations.
- c-19. Curfew violations.
- c-20. Lewd conduct.
- c-21. Display of materials harmful to minors, pursuant to a. 106-9.6.
- c-22. Any other factor which reasonably relates to the public health, safety and welfare.
- c-23. Failure to comply with the approved plan of operation.

5. **HEARING OFFICER.** Where it is impractical for the committee to hold an evidentiary hearing, the committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the committee as well as to the applicant, the applicant's agent, manager, operator or any other employee of the applicant, and to the person bringing the complainant or objector. The chair of the committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report. Notice of the committee hearing on the report shall be given to all parties. The committee may take and reserve additional evidence at the time of said hearing. The committee may accept or reject the report of the hearing officer or make any changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The committee shall transmit its recommendation to the common council for action as provided in sub. 6.

6. **COMMITTEE REPORT.** The committee may make a report and recommendations immediately following the hearing or at a later date. The committee may recommend that the license or permit be renewed, not renewed, suspended or revoked. In addition, if the committee determines that circumstances warrant, the committee may recommend that the license or permit be renewed conditioned upon a suspension of the license or permit for a defined period of time. When the committee elects to recommend that a license or permit be renewed with a period of suspension, the license or permit may be suspended for a period of not less than 10 days and no more than 90 days.

## 05-5 License and Permit Procedures

05-5. Council Action. 1. REPORT TO BE PROVIDED. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation upon the applicant and upon the complainant or objector, if any. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. A copy of the report shall be distributed to each member of the common council.

2. FILING WRITTEN STATEMENTS OR RESPONSES. Following a recommendation by the committee that the license or permit not be renewed, or that the license or permit be revoked or suspended, the applicant may submit a written statement including objections, exceptions and arguments of law and fact. When the proceedings have been commenced upon the complaint or objection of an interested party who has appeared and offered evidence, the complainant or objector may also submit a written statement in response. Written statements shall be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

3. COPIES TO BE PROVIDED TO COMMON COUNCIL MEMBERS. A copy of any statement in response to the report and recommendations of the committee that is timely filed shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

4. PROCEDURE AT MEETING OF THE COMMON COUNCIL. a. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendations. The city clerk shall notify the applicant, and the complainant or objector, if any, by United States first class mail, postage prepaid, 5 working days prior to the hearing before the common council, and shall also notify the city attorney, that the council will convene to act upon the report and recommendations.

b. Each member of the common council shall be asked to affirm that he or she has read the report and recommendations of the committee. When a written statement has been timely filed by the applicant, or by a complainant or objector, each member of the common council shall be asked to affirm that he or she has read the statement. If members of the

council have not read the recommendation and report of the committee and any statement in response that has been timely filed, the chair shall allocate time for the members to do so.

c. Oral argument on behalf of the applicant, and oral argument by the complainant or objector, if any, shall be permitted only to those parties having timely filed a written statement. Oral argument shall be limited to 5 minutes. The city attorney shall also be permitted to make an oral presentation of not more than 5 minutes.

d. Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by designated agents or counsel. Partnerships shall be represented only by a partner or counsel. Limited liability companies shall be represented only by designated agents or counsel. Complainants and objectors shall appear only in person or counsel. Any person making an appearance before the council who requires the services of an interpreter shall obtain one at his or her own expense.

e. The common council shall determine by a majority roll call vote of those in attendance and voting whether to adopt the recommendation of the committee. The city clerk shall provide written notice of the decision to the applicant, and to the complainant or objector, if any, including a written statement or summary of the reasons for the decision.

f. Unless otherwise expressly provided, the revocation of a license or permit shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for revocation shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for renewal shall be effective on the date the common council takes action to suspend the license or permit, or on the date of the expiration of the license or permit, whichever is later. A license or permit may be suspended for not less than 10 days and no longer than 90 days.

g. If a retail alcohol beverage license for a premises is suspended and the licensee also holds a public entertainment premises license for the premises, the public entertainment premises license shall be suspended for the same time period as the alcohol beverage license.

## 90-12 Liquor and Tavern Regulations

c-1-c. The appropriateness of tavern location and premises. Evidence of the appropriateness of the location may be included in the report provided by the chief of police or chief's designee under par. b-2-a.

c-1-d. Neighborhood problems due to management or location.

c-1-e. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholder holding 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, of any of the offenses enumerated in s. 125.12(2)(ag), Wis. Stats., as amended.

c-1-f. Failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-g.

c-1-g. Any other factor or factors which reasonably relate to the public health, safety and welfare.

c-2. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend that the license be renewed or not renewed. In addition, if the committee determines that circumstances warrant it, the committee may recommend that the license be renewed conditioned upon a suspension of the license for a defined period of time. When the committee elects to recommend that a license be renewed with a period of suspension, the license may be suspended for not less than 10 days and no longer than 90 days. Such suspension shall commence on the effective date of the license renewal. Following the hearing, the committee shall submit a report to the common council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the council should take. The committee shall provide the complainant and applicant with a copy of the report. The applicant and complainant, if any, may file a written statement in response to the report including objections, exceptions and arguments of law and fact. A written statement must be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

d. Council Action. d-1. The applicant shall be given 5 working days' notice of the date set for hearing by the full common council.

d-2. At the meeting of the common council, the chair shall allow oral argument by an applicant or complainant who has timely submitted a written statement in response to the recommendations of the licensing committee. The city attorney shall also be permitted a statement. Oral arguments shall not exceed 5 minutes on behalf of any party. Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

d-3. Prior to voting on the committee's recommendation, all members of the council who are present shall signify that they have read the recommendation and report of the licensing committee and any written statements in response that have been filed thereto. If they have not, the chair shall allocate time for the members to do so. If they have read the report and recommendation, then a roll call vote shall be taken as to whether or not the recommendation of the committee shall be accepted. The applicant shall be provided with written notice of the results of the vote taken by the common council.

3. REQUEST TO SURRENDER A LICENSE. See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

90-12. Revocation or Suspension of Licenses. 1. CAUSES. Any license issued under this chapter may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Such licenses shall be suspended or revoked for the following causes:

a. The making of any material false statement in any application for a license.

b. The conviction of the licensee, his agent, manager, operator or any other employee for keeping a gambling house or a house of prostitution or any felony related to the licensed operation.

Liquor and Tavern Regulations 90-12-3

c. A showing that such licensee has violated any state law or city ordinance prohibiting the sale of intoxicating liquors or fermented malt beverages to underage persons, or to any person intoxicated or bordering on the state of intoxication.

d. The violation of the provisions in ss. 90-7 through 90-10 and 90-13 through 90-31.

e. The violation of any of the excise laws of this state.

f. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood; or

g. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholder holding 20% or more of the corporation's total or voting stock, or proxies for that amount of stock, of any of the offenses enumerated in s. 125.12(2)(ag), Wis. Stats., as amended.

h. Failure of the licensee to operate the premise in accordance with the floor plan and plan of operation submitted pursuant to s. 90-5-1-c.

i. For any other reasonable cause which shall be in the best interests and good order of the city.

3. STATE LAW APPLICABLE. Except as hereinafter provided, the provisions of ss. 125.12(2)(ag) to (c), Wis. Stats., shall be applicable to proceedings for the suspension and revocation of all licenses granted under this chapter.

4. COMMENCEMENT OF PROCEEDINGS. Suspension or revocation proceedings may be instituted by the licensing committee of the common council upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any city resident.

5. PROCEDURES FOR REVOCATION OR SUSPENSION. a. Complaint; Summons; Report.

a-1. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a licensee involving conduct which would violate statutes or ordinances that are grounds for revocation or suspension of a license, the city clerk shall issue a summons, as authorized by Wisconsin statutes, demanding that the licensee appear before the licensing committee, not less than 3 days nor more than 10 days from the date of issuance, to show cause why the license should not be revoked or suspended.

a-2. A police officer shall serve the summons upon a licensee in accordance with Wisconsin statutes, and shall also serve a copy of the complaint with a copy of this subsection upon the licensee.

a-3. The chief of police shall prepare a report with information relating to the allegations contained in the written charges or complaint. The report shall first state whether the chief of police has information relating to the allegations contained in the written charges or complaint. The report may be offered and made part of the permanent record of the hearing without motion. Information contained in the report shall be admissible and may be considered by the committee as a public record to the extent that the information in the report sets forth the activities of department personnel, or provides information about matters observed by police personnel under a duty imposed by law, or contains factual findings resulting from an investigation made under authority of law, unless the sources of information or other circumstances indicate lack of trustworthiness. A copy of the report shall be provided to the licensee at least 7 days prior to the time scheduled for appearance upon the summons and complaint.

b. Committee Hearing. b-1. Upon receipt of evidence that the summons has been served, the licensing committee shall convene at the date and time designated in the summons for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the full common council in connection with the proposed revocation or suspension.

b-2. If the licensee appears before the committee at the time designated in the summons and denies the charges contained in



## 90-12-6-c Liquor and Tavern Regulations

the complaint, an evidentiary hearing in connection with the revocation or suspension shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the city attorney and the licensee in connection with the revocation or suspension.

b-3. The procedure at evidentiary hearing shall be as follows:

b-3-a. The chief of police or complainant shall first present evidence in support of the complaint. The chief of police or complainant may offer the report prepared under par. a-3.

b-3-b. After the chief of police or complainant rests, the licensee may present evidence in opposition to the written charges or complaint.

b-3-c. The chief of police or complainant and the licensee may subpoena and present witnesses. All witnesses shall testify under oath and shall be subject to cross-examination.

b-3-d. The chief of police or complainant and the licensee shall each be limited to 30 minutes for testimony and oral presentation unless the chair, subject to approval of the committee, extends the time to assure a full and fair presentation.

b-3-e. Questions by committee members and responses to members' questions shall not be counted against the time limitations.

b-3-f. At the close of the testimony, the chief of police or complainant and the licensee shall be given a reasonable time to make arguments upon the evidence produced at the hearing.

b-4. The chair of the licensing committee shall be the presiding officer. The chair shall direct that oaths be administered and subpoenas issued upon request of either side. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members present and voting.

b-5. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

b-6. A record shall be made of all licensing proceedings before the committee and before the common council as provided in s. 85-4-3.

c. Committee Report. c-1. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation on the licensee and transmit a copy thereof to the city attorney. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. The report shall be distributed to each member of the common council.

c-2. The committee shall provide the licensee, and the complainant, if any, with a copy of the report. The licensee and complainant may file a written statement or response including objections, exceptions and arguments of law and fact to the report to the common council. A written statement or response must be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

c-3. Any written statement or response to the report and recommendations of the committee shall be filed by the close of business on the day that is 3 working days prior to the date on which the matter is to be heard by the common council. Copies of written statements shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

d. Council Action. d-1. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendations. Not less than 5 working days prior to the hearing before the common council, the city clerk shall notify the licensee and complainant by United States first class mail, postage prepaid, sent to the last known address of the licensee and complainant, and shall also notify the city attorney, of the time and place that the common council will convene. Each member of the common council shall be asked to affirm that he or she has read the report and recommendations of the committee. When written statements or responses are timely filed to a committee report and recommendations that the license be suspended or revoked, each member of the common council shall be asked to affirm that he or she has read the statements or responses. If

## Liquor and Tavern Regulations 90-13

members of the council have not read the recommendations and report of the committee and any statements or responses that have been filed, the chair shall allocate time for the members to do so. Oral argument in support of the report and recommendations presented by the city attorney, oral argument on behalf of the licensee in opposition to the report and recommendations and oral argument by the complainant objecting to the report and recommendations shall be permitted where written statements or responses have been timely filed. Argument shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendations and the written exceptions. Licensees shall appear only in person or by counsel. Corporate licensees shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

d-2. The common council shall determine by a majority vote of those in attendance and voting, whether to adopt the recommendation of the committee. Such vote shall be a roll call vote. If the common council finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation with the committee's report and recommendation and in accordance with Wisconsin statutes, the city clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the accused.

7. **REQUEST TO SURRENDER A LICENSE.** See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

**90-13. Alterations to Premises.** Except as provided in s. 200-26-6-b, any alteration, change or addition resulting in expansion of a licensed premises shall be approved by the licensing committee prior to issuance of a permit pursuant to s. 200-24 by the department of neighborhood

services. An applicant whose license application has been denied by the committee may appeal the decision to the common council.

### 90-14. Restrictions as to Location of Premises.

1. **300 FEET RESTRICTION.** No "Class A" or "Class B" license for the sale of intoxicating liquor may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any church, school, day care center or hospital, except that this prohibition may be waived by a majority vote of the common council. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, day care center or hospital to the main entrance of the premises covered by the license.

2. **EXCEPTIONS.** The prohibition in sub. 1 does not apply to any of the following:

a. Premises covered by a "Class A" or "Class B" license on June 30, 1947.

b. Premises covered by a "Class A" or "Class B" license prior to the occupation of real property within 300 feet thereof by a school, day care center, hospital or church building.

c. A restaurant located within 300 feet of a church, day care center or school. This paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of its gross receipts.

**90-15. Hours of Operation.** 1. **"CLASS A" RETAILER'S INTOXICATING LIQUOR LICENSE.** No premises for which a "Class A" retailer's intoxicating liquor license has been issued shall be permitted to remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.

2. **CLASS "A" FERMENTED MALT BEVERAGE RETAILER'S LICENSE.** No holder of such a license shall sell fermented malt beverages between the hours of 9:00 p.m. and 8:00 a.m., except a brewery that operates a bona fide 3<sup>rd</sup> shift for at least 9 months of a previous year may sell fermented malt beverages to its employees in a designated employee shopping area on brewery premises between the hours of 8:00 a.m. to 11:00 p.m.

3. **CLASS "B" FERMENTED MALT BEVERAGE AND "CLASS B" TAVERN LICENSES.** a. **Closing Hours - Prohibited Hours.** a-1. No person holding such licenses shall permit a patron to enter or remain on the

SUBCHAPTER 2  
LICENSING PROCEDURES

68-21. Licensure of Food Establishments; General. 1. LICENSE REQUIRED. Unless otherwise provided in this chapter, no person may carry on the business of a food establishment without first having obtained a license under this chapter.

2. EXCEPTIONS. A license shall not be required of any of the following:

a. A person selling only bottled or canned non-alcoholic drinks that do not require refrigeration.

b. A stand offering homemade beverages or food items not requiring heating or refrigeration, provided the stand is:

b-1. Not connected with any temporary event.

b-2. Located on private property in a residential area.

b-3. Operated by a child under the age of 14.

c. A community food program, provided all food is provided free of cost to persons in need or organizations serving persons in need.

d. Any primary or secondary school meal program, whether public or private, provided all of the following conditions are met:

d-1. Food service is limited to students who attend the school or to children as part of a free summer meal program.

d-2. All food preparation and service is performed by staff directly employed by the school.

d-3. The school registers annually with the department at least 10 days prior to operating or prior to the first day of the school year, and pays the registration and inspection fees specified in s. 81-55.5.

d-4. Prior to initial operation, the program submits plans in compliance with s. 68-7, and undergoes inspection prior to operating.

d-5. The program undergoes 2 inspections per school year. Inspections or investigations where significant noncompliance is found shall be subject to additional fees, as specified in s. 60-70.

e. A food manufacturer that derives 25% or more of its gross sales from wholesale trade, has obtained a food processing plant license from the state, and does not serve meals to the public.

f. A food distributor that derives 25% or more of its gross sales from wholesale trade, has obtained a food warehouse license from the state, and does not serve meals to the public.

g. A retail food establishment exempt from licensure under s. 97.30(2)(b), Wis. Stats., or s. ATCP 75.03(9), Wis. Adm. Code, including:

g-1. A retail food establishment selling only packaged foods or fresh fruits and vegetables, provided the establishment does not sell potentially hazardous food and does not engage in food processing.

g-2. A temporary retail food establishment operated by a religious, charitable or nonprofit organization for no more than 12 days in any license year.

g-3. A food peddler with a food peddler license who operates on private property as part of a festival as defined in s. 108-1-2.5, street festival as defined in s. 95-1-2, or special event as defined in s. 105-55.5, provided the food operation remains unchanged from that conducted routinely under the operator's existing food peddler license.

h. A bakery, as defined in s. 97.29 (1) (b), Wis. Stats., selling only non-potentially hazardous, flour-based goods baked out of a home and sold directly to consumers. This does not include the cooking and drying of candies or other confectionaries.

3. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

4. FINGERPRINTING. a. All applicants for food dealer and temporary food dealer licenses shall be exempt from the fingerprinting requirement provided in s. 85-21-1.

b. All applicants for food peddler licenses and ice cream peddler licenses shall be fingerprinted, as provided in s. 85-21-1.

5. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation. In addition:

a. Changes in the food facility or operational plan submitted as part of a supplemental application shall be submitted in accordance with s. 68-7.

b. A licensee shall promptly notify the city clerk in writing of his or her intention to cease operations.

6. LICENSE FEE. See ch. 81 for the required license fee.

7. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures provided in ss. 85-13, 85-16 and 85-17 shall apply.

8. INVESTIGATION. Each application for a license under this chapter, except for an application for a food dealer license by a micro market or an application for a temporary food dealer license, shall comply with the requirements of s. 85-21-2. In addition to the requirements of s. 85-21-2, if applicable:

## 108-41 Public Entertainment Premises

clerk at least 45 days prior to the date on which the license expires, provided that the renewal was filed by the date established by the city clerk. If the applicant fails to file within the time frame established by the city clerk, an objection may be filed within 10 days of the filing of the renewal application. An objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

2. Procedure for Nonrenewal. If there is a possibility that the licensing committee will not renew the license, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

### 108-11. Nonrenewal, Revocation or Suspension of Licenses.

1. PROCEDURE. a. Procedures for Revocation or Suspension. Any license issued under this chapter may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

b. Due Process Hearing and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

2. REQUEST TO SURRENDER A LICENSE OR WITHDRAW A RENEWAL APPLICATION. Whenever any licensee wishes to surrender a license or withdraw a renewal application, the procedures for disqualification of a license provided in s. 85-13 shall apply.

3. GROUNDS FOR NONRENEWAL, SUSPENSION OR REVOCATION. The recommendation of the committee regarding the licensee shall be based on evidence presented

at the hearing. Probative evidence concerning nonrenewal, suspension or revocation may include evidence of circumstances cited in s. 85-4-4.

4. COUNCIL ACTION. Following the receipt of a report and recommendation of the committee, the common council shall consider the report and recommendations pursuant to the procedures provided in s. 85-5.

5. WHEN ALCOHOL BEVERAGE LICENSE SUSPENDED. If a retail alcohol beverage license for a premises is suspended and the licensee also holds a public entertainment premises license for the premises, the public entertainment premises license shall be suspended for the same time period as the alcohol beverage license.

108-12. Appeal Rights. Any aggrieved applicant for, or holder of, a public entertainment premises license may seek judicial review to appeal the common council's denial of a new license or license transfer, or the suspension, nonrenewal or revocation of an existing license pursuant to s. 60.13, Wis. Stats.

108-15. Alteration of Premises. Any alteration, change or addition resulting in expansion of a licensed premises shall be approved by the licensing committee prior to issuance of a license, pursuant to s. 200-24, by the department of city development. An applicant whose application has been denied by the committee may appeal the decision to the common council.

108-16. Standards for Special Event Campgrounds. All special event campgrounds shall meet the following standards:

1. The campground operator shall obtain a campground permit from the department of neighborhood services in accordance with ch. DHS 178, Wis. Adm. Code. The permit application shall be accompanied by a plan of operation and a site plan that meets all applicable requirements of ch. DHS 178, Wis. Adm. Code. The department of neighborhood services shall not issue a campground permit to any permit applicant who has outstanding violations of the code of ordinances. For an indoor campground, a certificate of occupancy

Cox, Andrew

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From: License  
Sent: Tuesday, July 12, 2022 1:18 PM  
To: Cox, Andrew  
Cc: Cooney, Jim; Byrd, Yashica  
Subject: FW: Issues with Infinity Bar

Please add objection

Have a good day,



Faviola Martin  
License Division Coordinator  
City Clerk - License Division  
200 E. Wells St. Rm. 105  
Milwaukee, WI 53202  
Office: 414-286-2238

REDACTED RECORD



From: Miller, Todd <tomiller@milwaukee.gov>  
Sent: Tuesday, July 12, 2022 11:51 AM  
To:  
Cc: License <LICENSE@milwaukee.gov>  
Subject: Re: Issues with Infinity Bar

Thank you for emailing our office, we appreciate you taking the time to reach out. Unfortunately, this matter is out of the jurisdiction of the Mayor and our office. All licensing matters are under the purview of the Milwaukee Common Council and the City Clerk's office. I have copied the Licenses Division on this email so that they can record your comments specific to this establishment.

In the email correspondence you shared, Mr. Cooney of the Licenses Division also detailed the process of revoking the license(s) at the business. Have you filed a complaint with the City Clerk's office? We would encourage you to do that as soon as possible to begin that effort.

Please feel free to reach back out moving forward as necessary and thank you for contacting our office.

Thanks,

Todd Miller

Todd Miller  
Community Outreach Unit  
City of Milwaukee  
Office of Mayor Cavalier Johnson

Phone: (414) 286-2200  
Email: [todd.miller@milwaukee.gov](mailto:todd.miller@milwaukee.gov)

City Hall, Room 201  
200 E. Wells St.  
Milwaukee, WI 53202

[milwaukee.gov/mayor](http://milwaukee.gov/mayor)

Click the following links  
to follow Mayor Johnson  
on social media:  
[Facebook](#)  
[Twitter](#)

REDACTED RECORD

From: [REDACTED]  
Sent: Tuesday, July 12, 2022, 11:01 AM  
To: Mayor <[mayor@milwaukee.gov](mailto:mayor@milwaukee.gov)>  
Subject: Issues with Infinity Bar

You don't often get email from [REDACTED]

Hello Mayor Johnson,

My name is [REDACTED] and I live in the [REDACTED], I have owned [REDACTED] for [REDACTED] from this place. The neighbors and I been having problems with Infinity Lounge at 4001 W Fond Du Lac Ave since before they got their license and after. I have reached out to our Alderman (Ralney) and also the license division about. I have sent emails, videos, text messages and still we have been getting the run around. There's been fights, shooting, Detectives coming to my house, loud music, strippers, their customers urinating [REDACTED]. Infinity Lounge only has Regular Bar License, not Cabaret license, not for Hookahs, or license to sale food, Mayor Johnson, you is my last result, I tried calling the police and they even argue with me about this bar!! I don't want to see dead bodies [REDACTED] like the same thing I went through with Alderman Wade, when that bar was All Stars (EVERYBODY IS GETTING PAID UNDER THE TABLE); WHEN they shut down All Stars, Ralney and the Licenses Division said that WE NEVER HAD TO GO THROUGH THAT AGAIN, AND IT NEVER WILL BE A BAR AGAIN!! That was I'll be sending you everything that I sent to Alderman Ralney and it's a lot.

Sent from Yahoo Mail on Android

Infinity Lounge, LLC  
4001 W Fond du Lac Ave  
Milwaukee, WI 53216

We promise to deliver and operate in accordance with the following rules:

- The Infinity Lounge will host neighborhood meetings every month
- Our patrons must be at least 30 years old
- During busy hours, to have six arm security guards
- The casual dress code will be strictly enforced.
- At 1:45am, Infinity Lounge, LLC will begin escorting patrons to the exit.
- We will never block driveways, garages, or parkways.
- Police presence in District 7 is expected to increase in the future
- We do not allow drugs on our property.
- Infinity Lounge, LLC does not allow weapons on or off its property.

Signature of Owner of Infinity Lounge:

Date: 11-27-21

*Mark Spencer*



Thursday, February 23, 2023



# Notice of Public Hearing

Blank Notice

SPENCER, Marlo A, Agent

Infinity Lounge at 4001 W FOND DU LAC Av

Class B Tavern, Public Entertainment Premises and Food Dealer License Renewal Applications Adding Jukebox and Bottle Girls Service Performers and Change of Hours From Opening at 6PM Thu - Sat and Closing at 10PM on Sun, at 8PM Mon-Wed and, at 2AM Thu-Sat; To Open at 11AM Sun-Sat and; Close at 2AM Sun-Thu and at 2:30AM Fri & Sat

**Tuesday, March 07, 2023 at 3:05 PM**

To whom it may concern:

The above application has been made by the above named applicant(s). This requires approval from the Licenses Committee and the Common Council of the City of Milwaukee. The hearing before the Licenses Committee will take place on 3/7/2023 at 3:05 PM in Room 301-B, Third Floor, City Hall. This is a public hearing. Those wishing to view the proceeding are able to do so via the City Channel - Channel 25 on Spectrum Cable - or on the Internet at <http://city.milwaukee.gov/citychannel>. Those wishing to provide oral testimony via phone or internet are asked to contact the staff assistant, Yadira Melendez at (414) 286-2775 or [stasst6@milwaukee.gov](mailto:stasst6@milwaukee.gov) for necessary information. Please make such requests no later than one business day prior to the start of the meeting. You are not required to attend the hearing, but please see the information below if you would like to provide testimony. Once the Licenses Committee makes its recommendation, this recommendation is forwarded to the full Common Council for approval at its next regularly scheduled hearing.

## **Important details for those wishing to provide information for the Licenses Committee to consider when making its recommendation:**

1. The license application is scheduled to be heard at the above time. Due to other hearings running longer than scheduled, you may have to wait some time to provide your testimony.
2. You must appear in person and testify as to matters that you have personally experienced or seen. (You cannot provide testimony for your neighbor, parent or anyone else; this is considered hearsay and cannot be considered by the committee.)
3. No letters or petitions can be accepted by the committee (unless the person who wrote the letter or the persons who signed the petition are present at the committee hearing and willing to testify).
4. Persons opposed to the license application are given the opportunity to testify first; supporters may testify after the opponents have finished.
5. When you are called to testify, you will be sworn in and asked to give your name, and address. (If your first and/or last names are uncommon please spell them.)
6. You may then provide testimony.
  - a. include only information relating to the above license application.
  - b. Include only information you have personally witnessed or seen.
  - c. Provide concise and relevant information detailing how this business has affected or may affect the peaceful enjoyment of your neighborhood.
  - d. If by the time you have the opportunity to testify, the information you wish to share has already been provided to the committee, you may state that you agree with the previous testimony. Redundant or repetitive testimony will not assist the committee in making its recommendation.
7. After giving your testimony, the members of the Licenses Committee and the licensee may ask questions regarding the testimony you have given or other factors relating to the license application.
8. Business Competition is not a valid basis for denial or non-renewal of a license.  
**Please Note: If you have submitted an objection to the above application your objection cannot be considered by the committee unless you personally testify at the hearing.**



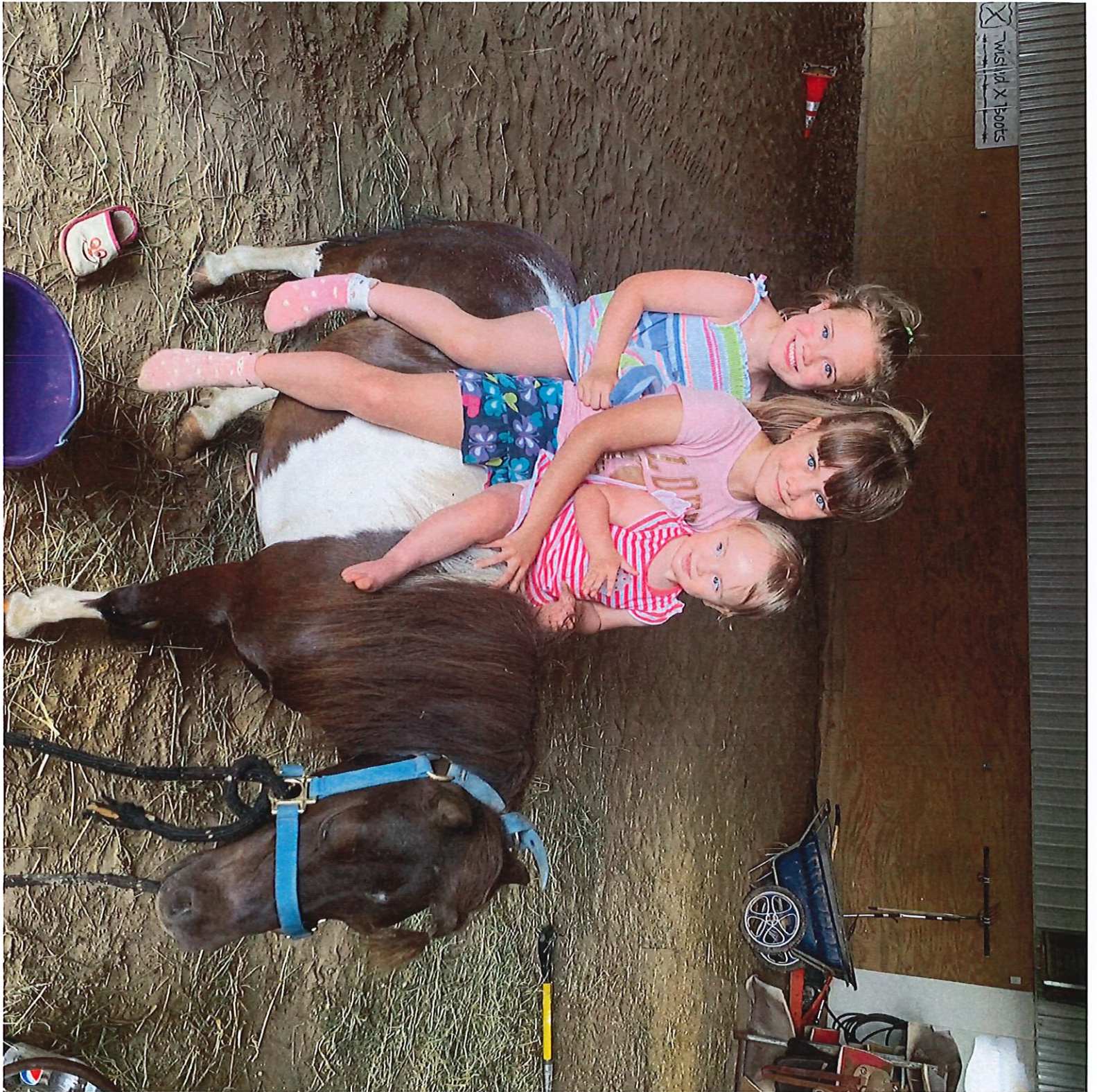
OCCUPANT	MAIL ADDRESS	CITY STATE ZIP
CURRENT OCCUPANT	3285 N 40TH ST	MILWAUKEE, WI 53216-3612
CURRENT OCCUPANT	3286 N 40TH ST	MILWAUKEE, WI 53216-3613
CURRENT OCCUPANT	3286 N 41ST ST	MILWAUKEE, WI 53216-3617
CURRENT OCCUPANT	3300 N 41ST ST	MILWAUKEE, WI 53216-3639
CURRENT OCCUPANT	3301 N 40TH ST	MILWAUKEE, WI 53216-3634
CURRENT OCCUPANT	3301 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3302 N 41ST ST	MILWAUKEE, WI 53216-3639
CURRENT OCCUPANT	3303 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3305 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3306 N 41ST ST	MILWAUKEE, WI 53216-3639
CURRENT OCCUPANT	3308 N 41ST ST	MILWAUKEE, WI 53216-3639
CURRENT OCCUPANT	3309 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3313 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3315 N 40TH ST	MILWAUKEE, WI 53216-3634
CURRENT OCCUPANT	3318 N 41ST ST	MILWAUKEE, WI 53216-3639
CURRENT OCCUPANT	3319 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3319A N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3324 N 41ST ST	MILWAUKEE, WI 53216-3639
CURRENT OCCUPANT	3325 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3327 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3328 N 41ST ST	MILWAUKEE, WI 53216-3639
CURRENT OCCUPANT	3328A N 41ST ST	MILWAUKEE, WI 53216-3639
CURRENT OCCUPANT	3331 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3333 N 39TH ST	MILWAUKEE, WI 53216-3630
CURRENT OCCUPANT	3333 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3337 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3343 N 39TH ST	MILWAUKEE, WI 53216-3630
CURRENT OCCUPANT	3343 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3343A N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3345 N 39TH ST	MILWAUKEE, WI 53216-3630
CURRENT OCCUPANT	3349 N 41ST ST	MILWAUKEE, WI 53216-3638
CURRENT OCCUPANT	3354 N 40TH ST	MILWAUKEE, WI 53216-3656
CURRENT OCCUPANT	3908 W FOND DU LAC AVE	MILWAUKEE, WI 53216-3643
CURRENT OCCUPANT	3928 W FOND DU LAC AVE	MILWAUKEE, WI 53216-3643
CURRENT OCCUPANT	3939A W CONCORDIA AVE	MILWAUKEE, WI 53216-3622
CURRENT OCCUPANT	4001A W FOND DU LAC AVE	MILWAUKEE, WI 53216-3644
CURRENT OCCUPANT	4007 W CONCORDIA AVE	MILWAUKEE, WI 53216-3623
CURRENT OCCUPANT	4025 W CONCORDIA AVE	MILWAUKEE, WI 53216-3623

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Total Records: 38

Radius 250.0 feet and Center of Circle: 4001 W Fond du Lac Av





TWISTED X BOOTS









2022-2023 Plan of Operation for 4001 W FOND DU LAC AV

<b>1. Litter &amp; Security Plans</b>	
How are the grounds kept clean? <input checked="" type="checkbox"/> Sweep <input type="checkbox"/> Pressure Wash <input checked="" type="checkbox"/> Pick Up Litter <input type="checkbox"/> Other:	
How often will grounds be cleaned? <input checked="" type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Other:	
Who cleans the grounds? <input checked="" type="checkbox"/> Licensee <input checked="" type="checkbox"/> Building Owner <input checked="" type="checkbox"/> Employees <input checked="" type="checkbox"/> Hired Maintenance <input type="checkbox"/> Other:	
How are noise issues prevented and/or addressed? <input checked="" type="checkbox"/> Security <input checked="" type="checkbox"/> Manager approaches customer(s) <input type="checkbox"/> Call Police <input checked="" type="checkbox"/> Signs Posted <input type="checkbox"/> Other:	
Are there designated outdoor smoking areas? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, Describe:	
Number of garbage cans: Inside <u>6</u> Locations: <u>Through out the bar</u> Outside <u>1</u> Locations: <u>Corner of parking lot</u>	
Is a crowd control barrier used? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, Describe:	
Number of restrooms:	Name of solid waste contractor:
Are there parking spaces on the premises? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, list number of spaces: _____ and describe security plans:	
Are there designated loading areas? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, describe security plans: . . .	
Do you have security personnel on the premise? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, how many? <u>5</u> AND What are their responsibilities? <u>Crowd control and search customers</u> What security equipment do they use? <u>I.D. Scanner &amp; Metal Detector</u> List their licensing, certification or training credentials: <u>LTC</u>	
Are there security cameras? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, list all locations: <u>6 in and outside of Bar</u>	
Are searches and/or identification checks conducted upon entry? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes, describe: <u>At the front door customers get hand searched and wanded, I.D.</u>	
<b>2. Percentage of Sales (must total 100%)</b>	
Alcohol <u>45</u> %	Food Sales <u>25</u> %
Entertainment <u>30</u> %	Other _____ %
<b>3. Businesses On The Premises (choose all that apply):</b>	
<input type="checkbox"/> Restaurant <input type="checkbox"/> Cafe/Coffee Shop <input type="checkbox"/> Cocktail Lounge <input type="checkbox"/> Convenience Store <input type="checkbox"/> Night Club <input type="checkbox"/> Liquor Store <input checked="" type="checkbox"/> Tavern <input type="checkbox"/> Sports Facility <input type="checkbox"/> Hotel <input type="checkbox"/> Banquet Hall <input type="checkbox"/> Supermarket <input type="checkbox"/> Private/Fraternal/Veterans' Club <input type="checkbox"/> Other:	
<b>4. Hours of Operation and Age Restriction</b>	
Are there any changes to the current hours of operation or age restriction? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes Describe: <u>Sun - Thurs 11:00 AM to 2:00 AM</u> <u>Fri &amp; Sat 11:00 AM to 2:30 AM</u>	
Please Note: If you will be open earlier or later than the hours listed on your current license for even one event or holiday (for example, St. Patrick's Day, Brewers Opening Day, etc.) during the license period, this must be reported and printed on your license. Your hours of operation and age restriction are listed on your current license.	
<b>5. Floor Plan and Capacity</b>	
Are you requesting any changes to your capacity or floor plan? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, describe: _____ and submit a new floor plan with this renewal application. A sample plan can be found online at <a href="http://www.milwaukee.gov/licenses">www.milwaukee.gov/licenses</a> under License Forms and Related Information.	
Alcohol/Food Establishments: A "Permanent Extension of Premises Application" is required if you are adding any square footage to the licensed premises.	
<b>6. Sidewalk Dining Fee:</b>	
Are there any changes to the sidewalk dining site plan? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, submit an updated site plan with this application.	
<b>7. Food License: FREST 16882 Fee: \$250.00</b>	
<b>8. Weights and Measures Fee:</b>	
Your current food license includes the following food operations: DHS - PREPACK Are there any changes to your food operations as listed above? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, If Yes, explain _____	Number/Type of Devices: Are there any changes to the number or types of devices? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, contact our office for further instructions.



1. CURRENT APPROVED ENTERTAINMENT for Infinity Lounge 4001 W FOND DU LAC AV

The following types of entertainment have been approved for your current Public Entertainment Premises license:

Disc Jockey, Poetry Readings, Karaoke, Patrons Dancing

2. ADDING ENTERTAINMENT

If applicable, check any entertainment you wish to add: ONLY CHECK ENTERTAINMENT TYPE(S) YOU ARE ADDING. YOUR CURRENT APPROVED ENTERTAINMENT IS LISTED ABOVE.

- Instrumental Musicians
  - Bands
  - Battle of the Bands
  - Comedy Acts
  - Disc Jockey
  - Magic Shows
  - Poetry Readings
  - Dancing by Performers
  - Jukebox
  - Wrestling
  - Patron Contests
  - Patrons Dancing
  - Adult Entertainment/ Strippers/Erotic Dance
  - Karaoke
  - Bowling Alley
  - Pool Tables
  - Motion Pictures (movies by admission)
  - Amusement Machines
  - Concerts
  - Theatrical Performances
- How many screens? \_\_\_\_\_ How many? 4 \_\_\_\_\_ Approx. # per year? \_\_\_\_\_ Approx. # per year? \_\_\_\_\_

Other: Bottle Girl Service performers

No entertainment changes can take place until approved by Common Council and a new license has been issued and posted on the premises.

3. REMOVING ENTERTAINMENT

If applicable, list any entertainment you wish to remove:

4. PROMOTERS/SOUND AMPLIFICATION

Will promoters ever be used for any of the entertainment?  No  Yes If Yes, Describe:

At any time will sound amplification be used?  No  Yes If Yes, Describe:

5. SIGNATURE

I understand that after the license has been issued, a change to the plan of operation will require a written request to change and approval from the Common Council.

I agree to inform the City Clerk within 10 days of any substantial changes in the information supplied in this application.

I understand that I shall not willfully refuse to provide the services offered under this license, or add charges or require deposits not required of the general public because of race, color, sex, religion, national origin or ancestry, age, handicap, lawful source of income, marital status, sexual orientation, gender identity or expression, familial status or the fact that a person is now or has been a member of the military service, whether dressed in uniform or not; and shall not seek such information as a condition of employment, or penalize any employee or discriminate in the selection of personnel for training or promotion on the basis of such information.

I have knowledge of the City Ordinances currently regulating public entertainment, and understand that the license may be subject to suspension, non-renewal or revocation, if I violate any rule, law or regulation of the city of Milwaukee and State of Wisconsin.

Mauro Spencer  
Signature of Sole Proprietor, a Partner, or if a Corporation or LLC, the Agent must sign