



## COMMITTEE ASSIGNMENTS

### CHAIR

- Licenses Committee

### VICE-CHAIR

- Community and Economic Development Committee

### MEMBER

- Steering and Rules Committee
- Zoning, Neighborhoods, and Development Committee

## JOCASTA ZAMARRIPA ALDERWOMAN, 8TH DISTRICT

June 06, 2024

To the Honorable, the Common Council

Honorable Members:

Re: Common Council File Number 240152

Attached are written objections to file number 240152 of the Licenses Committee relative to licenses:

Renewal with a 10 (ten) day suspension of the Extended Hours Establishments, Food Dealer and Sidewalk Dining licenses for Ronald A. Stokes based upon the preponderance of the evidence of the police report, the health report, the applicant and aldermanic testimony that demonstrates the operation results in a threat to health safety or welfare of the public; for the premises located at 1348 E Brady St. (“Qdoba Mexican Eats”) in the 3<sup>rd</sup> aldermanic district.

Renewal with a 30 (thirty) day suspension of the Recycling, Salvaging, or Towing Premises license for Kevin I. Lopez based upon the preponderance of the evidence on the police report and the applicant, Mr. Arias and MPD testimony that demonstrates the operation results in a threat to health, safety or welfare of the public; for the premises located at 3950 N Holton St. (“Legends Towing”) in the 6<sup>th</sup> aldermanic district.

Nonrenewal of the Class B Tavern, Public Entertainment Premises and Food Dealer licenses for Mario A. Spencer based upon the preponderance of the evidence on the extensive police report and extensive testimony from the applicant, neighborhood and MPD that demonstrates the operation results in a threat to health, safety or welfare of the public; for the premises located at 4001 W Fond Du Lac Av. (“Infinity Lounge”) in the 7 aldermanic district.

This matter will be heard by the full Council at its Tuesday, June 11, 2024 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Sincerely,

JoCasta Zamarripa  
Alderwoman, 8<sup>th</sup> District

cc: All Council Members  
City Attorney’s Office  
Common Council/City Clerk – License Division  
CCF 240152





6737 W. Washington Street, Suite 3440  
West Allis, WI 53214  
P 414-962-4200 F 414-962-4500

To Milwaukee City Council

The city license committee recently recommended a 10-day suspension of a business license. I am asking for a different outcome as the City Council considers this situation.

- The Brady Street Qdoba opened in April 2017. Since then, we have served 575,000 burritos collectively. We have had zero food issues up until the incident that is being considered. All health inspections have been good. We have no citations for any food issues.
- Our company also has 4 other Milwaukee stores that have provided great food without incident to our guests in Milwaukee.
- The incident that occurred was very unfortunate. Immediate steps were taken to ensure something like that would never and could never happen. Since the incident, we have been allowed to continue serving food to our customers, and we have had zero incidents.
- After the incident occurred and the health department came in, they were pleased with our actions. They did not take any action to close our business and didn't give us a citation of any sort.
- While not diminishing the event that occurred with the guest, it should be noted that no one was hurt. Closing a business for any amount of time based on a single incident that has never occurred in any of our stores and where no one was harmed is a very significant step.
- Closing our business for 10 days would irreparably damage our business, causing lasting and significant damage. We are committed to the Brady Street area and have invested hundreds of thousands into this business. We want to be a part of the community for years to come and have worked very hard to be part of the community. To close our business for any period of time, but especially 10 days, would cause significant damage to the reputation we have worked so hard to secure.
- I am asking for some other step to be taken besides closing our business. We are a good corporate citizen in Milwaukee, and one mistake, while not insignificant, should not undue years of stellar work and contribution to the community.

Thank you for your consideration.

Ronald Allan Stokes  
*Agent, Roaring Fork LLC*

**VIA EMAIL ONLY**

Milwaukee Common Council  
City Hall  
Room 205  
[jowcza@milwaukee.gov](mailto:jowcza@milwaukee.gov)  
[stasst5@milwaukee.gov](mailto:stasst5@milwaukee.gov)

June 5, 2024

RE: Statement and Objections for a Recycling, Salvaging, or Towing Premises License Renewal Application for Kevin L. Lopez as Agent for "Legends Towing, LLC" for Legends Towing at 3950 N. Holton Street.

Application: No. 364948

Dear Mr. Owczarski:

I, Attorney Erica N. Young, represent Mr. Kevin Lopez in connection with the above-referenced license application.

As the Milwaukee Common Council (the "Council") is aware, a public hearing occurred on May 29, 2024, before the Licenses Committee (the "Committee"). As a result of that hearing, the Committee issued the attached findings of fact and recommendation to this Council. Specifically, the Committee has recommended that the license application be approved with a 30-day suspension of the Recycling, Salvaging, or Towing Premises license based on the finding that "demonstrates the operation results in a threat to health, safety or welfare of the public," and to hold issuance until the payment capability has been changed to comply with the forms of payment as it is required by ordinance.

I object for these reasons:

- 1) The proceeding was fundamentally deficient.
- 2) The Licenses Committee Report does not identify which facts in the police report, and testimonies were based upon a preponderance of evidence.
- 3) The operation does not result in a threat to health, safety, or welfare to the public since Mr. Arias report that on multiple occasions he attempted to meet with the 5<sup>th</sup> District Police on multiple occasions prior to May 9, 2024. (*See* Sargeant Jermel Wilder of the 5<sup>th</sup> District Police department).
- 4) The City of Milwaukee did not keep within its jurisdiction which is limited and preempted by the State. (*See* Wis. Stat. 66.0408 (2) (c)).

I am requesting an opportunity to be heard.

If you have any comments, questions, or concerns, do not hesitate to contact me.

Respectfully,  
Attorney Erica N. Young, JD



# BOBOT LAW OFFICE LLC

VINCENT J BOBOT

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June 6, 2024

Milwaukee Common Council  
200 E. Wells Street  
Milwaukee WI 53202

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

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

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

Dear City Clerk Owczarski:

We, Attorney Michael Maistelman, Maistelman and Associates and Attorney Vincent J. Bobot, Bobot Law Office LLC, represent Infinity Lounge LLC in connection with the above-referenced matter, an application for renewal of the Class B Tavern and Public Entertainment Premises and Food Dealer licenses. The Licenses Committee voted for non-renewal of Infinity Lounge's licenses.

## OBJECTIONS TO THE NON-RENEWAL OF INFINITY LOUNGE'S LLC LICENSE

1. The Agent, Mario A. Spencer, did not receive timely notice to renew its License pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes. See Exhibit #1, Exhibit #2
2. Th Licenses Committee held a hearing and voted to non-renew Infinity Louge LLC's licenses in violation of a temporary restraining order and injunction. See Exhibit #3.
3. The Report contains incorrect factual and conclusion statements and key facts without any evidentiary basis.

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524 EAST LAYTON AVENUE  
MILWAUKEE, WI 53207

PHONE 414.430.1249  
FAX 414.282.9522  
E-MAIL vbobot@aol.com

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# BOBOT LAW OFFICE LLC

VINCENT J BOBOT

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4. The Committee failed to follow its customary and required principles of progressive discipline when considering imposing sanctions such that it should have recommended a lesser penalty. (Wisconsin courts have noted that such principles are appropriate in order to satisfy equal protection *requirements* of the U.S. Constitution, 14<sup>th</sup> Amendment. See *Village of Menomonee Falls v Michelson*, 104 Wis 2d 137, 145-146, 311 N.W. 2d 658 (Ct. App. 1981)
5. The Committee recommendation of non-renewal of the licenses constitutes an unreasonable action and a violation of the vested rights of due process possessed by the licensee in its licenses.

## Conclusion

With the licensed premises currently operating under a temporary restraining order and injunction, for all intents and purposes, the Licenses Committee should not have heard this matter.

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

Very truly yours,

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Vincent J. Bobot  
Attorney at Law  
State Bar No. 1020732

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Michael Maistelman  
Attorney at Law  
State Bar No. 1024681

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524 EAST LAYTON AVENUE  
MILWAUKEE, WI 53207

PHONE 414.430.1249  
FAX 414.282.9522  
E-MAIL vbobot@aol.com

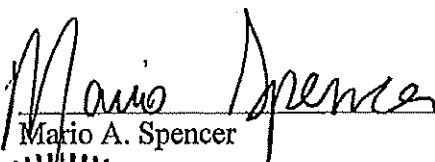
AFFIDAVIT OF MARIO A. SPENCER

STATE OF WISCONSIN    )  
                                           ) ss.  
 MILWAUKEE COUNTY    )

I, Mario A. Spencer, being duly sworn on oath, depose and state as follows in support of the Temporary Restraining Order and Preliminary Injunction Motions:

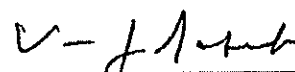
1. In viewing the "Committee Meeting Notice" from the License Division, the letter indicates that the U.S. Postage and fees paid were paid on 5-20-2024, which contradicts the City's position that the Notice was mailed on May 17, 2024. I received the Notice on Saturday, May 25<sup>th</sup>, 2024, at approximately 1:00pm. This was also the Memorial Day weekend and my Attorneys were not able to meet with me until the day before the License Committee met. Therefore, I was only given four (4) days notice of the hearing. Milwaukee Code of Ordinances 85-4-2 requires that I receive the Notice at least seven (7) days before the hearing date.
2. Members of the Licenses Committee would not let me explain the incidents contained in the police report at the hearing. Alderman Scott Spiker stated it would take too long so I was unable to address the complaints, even after I was initially invited to explain the incidents. I explained the first two items and was then told to stop.
3. When my legal counsel objected to all the hearsay at the hearing, most of the testimony was admitted without any admissible evidence to substantiate the testimony of the police witnesses regarding incidents at my business. Most of the police testimony was based upon conversations the police - witnesses had with third parties and not from first-hand knowledge.
4. Testimony from police witnesses contradicted what was contained in the police reports.

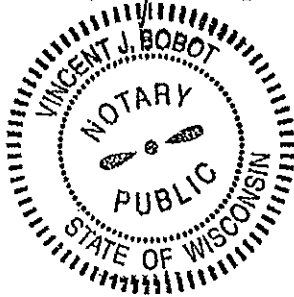
Dated with 6<sup>th</sup> day of June, 2024.

  
 \_\_\_\_\_  
 Mario A. Spencer

Subscribed and sworn to before me this

6<sup>th</sup> day of June, 2024.

  
 \_\_\_\_\_  
 Notary Public, State of Wisconsin  
 My commission: is permanent.



LICENSE DIVISION  
200 E WELLS ST., RM. 105  
MILWAUKEE, WI 53202-3571

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

**P**

US POSTAGE AND FEES PAID  
2024-05-20  
53005  
C4000026  
Commercial  
0.10 CUBIC ZONE 1

senior

0901000005833

USPS TRACKING #



9405 5361 0602 6083 0943 02

Blumberg No. 5208

EXHIBIT  
**2**

SO ORDERED:  
By the court: Gwendolyn G. Conolly  
Date: 4/5/2023

STATE OF WISCONSIN                      CIRCUIT COURT                      MILWAUKEE COUNTY

Infinity Lounge LLC  
d/b/a Infinity Lounge  
A Wisconsin Limited Liability Company,  
Agent - Mario A. Spencer  
4001 W. Fond du Lac Avenue  
Milwaukee, WI 53216  
Petitioner,

Case No. \_\_\_\_\_  
Case Codes 30955, 30704

v.

CITY OF MILWAUKEE, a municipal corporation  
CITY OF MILWAUKEE COMMON COUNCIL,  
and JAMES R. OWCZARSKI, CITY CLERK,  
200 E. Wells St.  
Milwaukee, WI 53202  
Respondents.

TEMPORARY RESTRAINING ORDER AND INJUNCTION

Based upon the motion and materials submitted by Petitioner, by its attorneys, Vincent J. Bobot and Michael Maistelman, and based upon the arguments of counsel,

IT IS HEREBY ORDERED that Respondents City of Milwaukee, its agents, attorneys and all those in active concert or participation with them, including its Police Department, are temporarily restrained and enjoined from taking any action to enforce or to cite Petitioner for operating Infinity Lounge at 4001 W. Fond du Lac Avenue, Milwaukee, WI 53216, pursuant to its Class B Tavern, Food Dealer, and Public Entertainment Premises licenses, or to take any other action related to the City of Milwaukee Common Council's decision to suspend for 60 days said licenses.

Therefore, Petitioner may continue operating Infinity Lounge at 4001 W. Fond du Lac Avenue, Milwaukee, WI 53216, as if its Class B Tavern, Food Dealer, and Public Entertainment Premises licenses had been not been suspended, until further order of the Court.

Dated this \_\_\_\_\_ day of March, 2023.

BY THE COURT  
\_\_\_\_\_

