

4. That at the hearing on the complaint filed against MintoT LLC held on October 26, 2020, Tina Minto admitted to the allegations related to allowing hookah smoking at the premises during the current license period due to confusion about the legality of the activity.
5. That at the hearing on the complaint filed against MintoT LLC held on October 26, 2020, the License and Health Committee heard testimony presented by Officer Jacob Kaye, Officer Jesse Maxwell, Claudia Martorano, and Tina Minto.
6. That based upon the evidence and testimony presented at the October 26, 2020, hearing the License and Health Committee determined that the allegations in the complaint shall be taken as true and that those allegations substantially relate to the licensed activity. The violations in the complaint that the committee was presented evidence on and found to be true include:
 - a. Maintaining a premises that is disorderly, riotous, indecent, or improper and that is operated in a manner which constitutes a public or private nuisance in violation Wis. Stat. § 125.12(2)(ag)2 and West Allis Code § 9.02(20)(a)(vi),
 - b. For three (3) violations of Wis. Stat. §§ 101.123(2)(a)7m and 125.04(5)(b) and West Allis Code §§7.032(4) and 9.02(20)(a)(x) for violating the State and Local indoor smoking bans and therefore being a habitual law offender.

CONCLUSIONS OF LAW:

- 1) That MintoT LLC was properly served at least three (3) days before the time at which the licensee was commanded to appear and service was accomplished in the manner provided under Wis. Stat. Ch. § 801 for service in civil actions in circuit court.

2) That at the hearing on October 26, 2020, the aforementioned violations were found to be true based on the evidence and testimony presented and constitute a sufficient basis to suspend the 2020-2021 Class B intoxicating liquor and fermented malt beverage license issued to MintoT LLC, identified as number 20-2478.

RECOMMENDATION:

Therefore, the License and Health Committee recommends to the Common Council of the City of West Allis that the Class B intoxicating liquor and fermented malt beverage license, identified as number 20-2478, issued to MintoT LLC be suspended for ten (10) days identified by the Committee as:

December 2, 2020. (6:00 a.m. the date enumerated to 6:00 a.m. the following day)

December 3, 2020. (6:00 a.m. the date enumerated to 6:00 a.m. the following day)

December 4, 2020. (6:00 a.m. the date enumerated to 6:00 a.m. the following day)

December 5, 2020. (6:00 a.m. the date enumerated to 6:00 a.m. the following day)

December 9, 2020. (6:00 a.m. the date enumerated to 6:00 a.m. the following day)

December 10, 2020. (6:00 a.m. the date enumerated to 6:00 a.m. the following day)

December 11, 2020. (6:00 a.m. the date enumerated to 6:00 a.m. the following day)

December 12, 2020. (6:00 a.m. the date enumerated to 6:00 a.m. the following day)

December 16, 2020. (6:00 a.m. the date enumerated to 6:00 a.m. the following day)

December 17, 2020. (6:00 a.m. the date enumerated to 6:00 a.m. the following day)

Dated this 2 day of ~~October~~ November, 2020.

By: 

Vince Vitale
License and Health Committee
West Allis Common Council