



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Minutes License & Health Committee

Aldersperson Michael J. Czaplewski, Chair
Aldersperson James W. Sengstock, Vice-Chair
Alderspersons: Gary T. Barczak, Daniel J. Roadt, Martin J. Weigel

Tuesday, September 28, 2010

6:00 PM

City Hall Room 128

REGULAR MEETING

A. CALL TO ORDER

The meeting was called to order by Chair Czaplewski at 6:00 p.m.

B. ROLL CALL

Present: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
Excused: 0

Others present: Jocelyn M. Domurat, Dontay S. Bentley, Sarah A. De Keyser, Kathryn L. Dupler, Melinda M. Smyczek, Andrew M. Lomax, Jon Robert Cervantes, Harry Strahlendorf, Lt. Terry Morrissey, West Allis Police Dept., Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

C. APPROVAL OF MINUTES

A motion was made by Ald. Sengstock, seconded by Ald. Weigel, to approve the minutes of the regular meeting of August 24, 2010 and recess meetings of September 7, 2010 & September 21, 2010. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

D. HEARING

A hearing was not held.

E. CLOSED SESSION

A closed session was not held.

F. NEW AND PREVIOUS MATTERS

8. [2010-0560](#) 2010-2011 Tavern Operator License application no. 11-546 of Jocelyn M. Domurat.

Appearance by Jocelyn M. Domurat. Ms. Domurat told the committee she had someone else's ID but only used it to buy cigarettes. She said she was not in the house that was having the party with alcohol when the police arrived. Ald. Weigel told Ms. Domurat he thought her explanation was not completely truthful.

Ald. Barczak informed Ms. Domurat and all in attendance of the City's compliance check program. Ald. Barczak told everyone to check ID's carefully, to hold onto the ID card if in question of it being valid, and to call the police to verify. He said if the party wants to take their ID and leave they may do so. Ald. Barczak advised to call 911 and not to resolve or cover up fights. He stated the Committee looks favorably on licensees when the employees call the police and are cooperative.

Ald. Weigel added that the Council would vote on the Committee's recommendations at the Common Council Meeting October 5, 2010. Any applicants being approved would be able to pick up their license in the Clerk's office the day after Council between 10:00 am and 3:00 pm.

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Recommended For Approval. The motion carried by the following vote:

Votes: Aye: 4 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak and Ald. Roadt
No: 1 - Ald. Weigel

1. [2010-0425](#) Summons and Complaint in the matter of the complaint against LAM Enterprises, LLC, Loretta A. Matovich, Agent, for the premises located at 1101 S. 60 St., d/b/a Shawna's Pub & Grub (2009-2010 Class B Tavern License no. 1579).

Nonappearance of Loretta A. Matovich. Attorney Merten informed the Committee that a letter was received from Ms. Matovich surrendering the Class B Tavern License for the property at 1101 S. 60 St.
This Matter was Recommended to be Placed on File on a Block Vote.
2. [2010-0365](#) 2010-2011 Class B Tavern License renewal application no. 1579, Instrumental Music License application no. 1675, and Dance Hall License renewal application no. 1580 of LAM Enterprises, LLC, Loretta A. Matovich, Agent, d/b/a Shawna's Pub & Grub for premises located at 1101 S. 60 St.

See legislative file no. 2010-0425.
This Matter was Recommended to be Placed on File on a Block Vote.

Passed The Block Vote

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, including all the preceding items marked as having been adopted on a Block Vote. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

3. [2010-0486](#) Communication from Assistant City Attorney regarding Smokin' Joe's failure to complete the landscaping and screening plan for the property at 6139 W. Beloit Rd.

Nonappearance of Joseph A. Jeffords. Mr. Jeffords contacted the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.
Held
4. [2010-0524](#) 2010-2011 Adult-Oriented Establishment Operator Permit application no. 1710 of Carlos Santos.

Nonappearance of Carlos Santos. Mr. Santos did not contact the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.
Held
5. [2010-0562](#) 2010-2012 Package Goods Operator License application no. 1718 of Jeanene M. Harrell.

Nonappearance of Jeanene M. Harrell. Ms. Harrell did not contact the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.
Held

6. [2010-0533](#) 2010-2011 Tavern Operator License application no. 11-544 of Dontay S. Bentley.
- Appearance by Dontay S. Bentley. Mr. Bentley told the Committee he has been with Qdoba for three years and needs to get a bartender's license to advance in the company. Mr. Bentley thought he was denied last April because he did not disclose all his violations. Ald. Sengstock said he could not foresee what the Committee would do, but suggested Mr. Bentley apply again one year from last April if he has no further violations. Mr. Bentley was advised to write a letter to request a refund. The Assistant City Clerk would review his request for a refund of the fees paid. Chair Czaplewski wanted the minutes to reflect that the Committee was in favor of granting Mr. Bentley a refund.*
- A motion was made by Ald. Weigel, seconded by Ald. Sengstock, that this matter be Recommended for Denial. The motion carried by the following vote:**
- Votes:** Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
7. [2010-0559](#) 2010-2011 Tavern Operator License application no. 11-545 of Sarah A. De Keyser.
- Appearance by Sarah A. De Keyser. Ald. Barczak said he would be in favor of granting Ms. De Keyser a license because of the length of time since her OWI and nothing else on her record check.*
- A motion was made by Ald. Barczak, seconded by Ald. Sengstock, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
9. [2010-0580](#) 2010-2011 Tavern Operator License application no. 11-550 of Kathryn L. Duppler.
- Appearance by Kathryn L. Duppler. Ms. Duppler said she was unaware her license was expired. She stated she never received her renewal notice because she had moved. Ms. Duppler told the committee that Havana Lounge is about 20% alcohol sales. She said that on the night in question she was trying to get the patrons to leave. Ms. Duppler said she turned the lights down and stopped serving drinks. Ald. Weigel advised Ms. Duppler to turn up the lights and take the drinks away.*
- A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
10. [2010-0470](#) Police Department Report regarding June 5, 2010 Tobacco Compliance Check involving twelve (12) West Allis businesses, resulting with three (3) selling tobacco to an underage person without requesting identification (2010-2011 Cigarette License no. 498 of Walgreens Co., Melinda M. Smyczek, Agent, d/b/a Walgreens #5231 at 10725 W. Greenfield Ave.).
- Appearance by Melinda M. Smyczek. Ms. Smyczek informed the Committee that the employee is still working for the company. Ms. Smyczek said company policy allows an employee to fail a compliance check two times before they are terminated. Ald. Barczak suggested it be mandatory to card everyone.*
- A motion was made by Ald. Barczak, seconded by Ald. Sengstock, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

11. [2010-0521](#) Police Department Report involving Double Barrel Saloon, 1100 S. 60 St. (2010-2011 Class B Tavern License no. 1524, Dance Hall License no. 1526 and Instrumental Music License no. 1525, of SYRE Enterprises, LLC, Andrew M. Lomax, Agent, Incident Dates: July 2, 2010 and July 18, 2010).

Appearance by Andrew M. Lomax. Mr. Lomax said the parties involved in the fight were not allowed back in the establishment. Ald. Weigel commented that at least one of the parties involved should have stopped being served earlier in the evening and this fight might not have happened. Ald. Weigel said bartenders and owners should be reminded to stop over serving patrons even if they say they are not driving. Ald. Weigel suggested to buy the patron a soda or offer them water.

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Recommended to be Placed on File. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

12. [2010-0522](#) Police Department Report involving Jonny Hammers, 6300 W. Lincoln Ave. (2010-2011 Class B Tavern License no. 1415, Dance Hall License no. 1417 and Instrumental Music License no. 1418, of Jonny Hammers, LLC, Jon Robert Cervantes, Agent, Incident Date: July 17, 2010).

Appearance by Jon Robert Cervantes. Mr. Cervantes told the Committee that the party walked in, hit the patron and immediately left. Mr. Cervantes was advised to always call 911 in case there would have been further repercussions.

A motion was made by Ald. Weigel, seconded by Ald. Barczak, that this matter be Recommended to be Placed on File. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

13. [2010-0548](#) Police Department Report involving Harry O's 2nd Base, 6743 W. Lincoln Ave. (2010-2011 Class B Tavern License no. 827 and Dance Hall License no. 829 of Harry O's, Inc., Harry Strahlendorf, Agent, Incident Date: August 1, 2010).

Appearance by Harry Strahlendorf. Mr. Strahlendorf told the Committee the fight happened outside where the patrons were smoking. When the police officer noticed the commotion and approached them they ran into the bar. The bartender did not have a chance to call 911.

A motion was made by Ald. Barczak, seconded by Ald. Sengstock, that this matter be Recommended to be Placed on File. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

14. [2010-0549](#) Police Department Report involving Mario's, 1900 S. 60 St. (2010-2011 Class B Tavern License no. 1091, Dance Hall License no. 1092 and Instrumental Music License no. 1093 of M & W Hospitality, Inc., Mario P. Morgese, Agent, Incident Date: August 1, 2010).

Nonappearance of Mario P. Morgese. Mr. Morgese contacted the Clerk's office. The Committee discussed the police report, the expense for calling in outside resources and the danger to the officers and all involved. A discussion ensued regarding a prior establishment having their license revoked due to this type of situation.

Attorney Merten advised the Committee they could vote to issue a Summons & Complaint to revoke the license based on this report and prior reports.

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Referred for Summons and Complaint to the City Attorney. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

G. OTHER MATTERS TO COME BEFORE THE COMMITTEE FOR DISCUSSION/ACTION

None.

H. ADJOURNMENT

A motion was made by Ald. Sengstock, seconded by Ald. Weigel, to adjourn at 6:35 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*