

**WEST ALLIS COMMON COUNCIL
LICENSE AND HEALTH COMMITTEE
CITY OF WEST ALLIS**

**In the Matter of the
Complaint Against**

SUMMONS

Melissa M. Bayer

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO MELISSA BAYER:

You are hereby notified that a sworn complaint, a copy of which is attached, has been duly made and filed, requesting a hearing on the revocation of your 2019-2021 Operator's License, number 8381, pursuant to the provisions of Wisconsin Statute §§ 125.04(5)(b), and 125.12(2)(ag)2 as adopted by West Allis Revised Municipal Code § 9.02(1).

NOW THEREFORE, you, Melissa Bayer, are hereby summoned to appear before the License and Health Committee of the West Allis Common Council in Room 128 of the West Allis City Hall, 7525 West Greenfield Avenue, West Allis, Wisconsin, on February 4, at 7:00 p.m., or as soon thereafter as this matter can be heard for the committee's recess meeting, to admit or deny the allegations in the complaint. You may be represented by counsel on this date.

In the case of your failure to appear as required by this summons, the allegations in the complaint against you shall be taken as true and, if the License and Health Committee of the West Allis Common Council finds the allegations sufficient, a recommendation that your license(s) be revoked will be made to the full Common Council. The Common Council may then vote to suspend, revoke, or not renew your license(s).

You are further notified that if you appear as required by this summons and contest the allegations in the complaint, a hearing will be scheduled at a later date before the License and Health Committee, at which time you may be represented by counsel, cross examine the witnesses who testify adversely against you, and present witnesses in your own behalf. A written transcript of said hearing shall be made and you may obtain a copy of the transcript of this proceeding at your expense.

Dated at West Allis, Wisconsin, this 30th day of January, 2020.

WEST ALLIS COMMON COUNCIL

By:



Steven Braatz, City Clerk

WEST ALLIS COMMON COUNCIL
LICENSE AND HEALTH COMMITTEE
CITY OF WEST ALLIS

**In the Matter of the
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COMPLAINT

Melissa M. Bayer

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Michael Czaplewski, Alderperson for the First District of West Allis and Chair of the West Allis License and Health Committee, being duly sworn, on oath deposes and states as a complaint against Melissa M. Bayer, as follows:

1. That the complainant is a resident of the City of West Allis.
2. That this complaint is based upon information contained within official records maintained by the City of West Allis and the City of West Allis Police Department, (hereafter “WAPD”).
3. That Melissa M. Bayer is the current holder of a 2019-2021 Operator’s License for the City of West Allis, number 8381, issued by the West Allis Common Council on June 4, 2019 and expiring on June 30, 2021.
4. That official West Allis Police Department, hereafter “WAPD,” records indicate that on or about December 29, 2019 at approximately 12:03 A.M. West Allis Police Officers responded to the area of S. 65th Street and W. Beloit for the report of gunshot. Officers Matthew Jacobsen responded to the Alibi bar, located at 6540 W. Grant Street, due to its proximity to the potential shots fired complaint.

5. Officer Jacobsen reported that when he entered Alibi, the only two people in the bar were bartender Melissa Bayer (“Bayer”) and an unknown white female subject, later identified as Cayla Clark (“Clark”). Officer Jacobsen reported that he made contact with Bayer about the potential gunshots. Bayer advised that she did hear some pops but hadn’t realized they were gunshots. Bayer informed Officer Jacobsen that after she heard the pops, she got a phone call from an unknown person asking if she heard gunshots. Bayer reported that she went outside to look around and didn’t see or hear anything when she stepped outside. Bayer reported that she did not see anyone fleeing the area or any cars taking off from the scene at the time of the gunshot.
6. Officer Jacobson returned to the Alibi bar the following evening of the same day, December 29, 2019, to try and retrieve the video which was not available to him at the original time of the shooting. Officer Jacobson reported that on the video, he was able to observe Bayer spent much of her time talking and laughing with Clark and a “young light skinned black male or Hispanic male,” later identified as Luis Hernandez (“Hernandez”). Clark was the same subject that Officer Jacobson personally observed in the bar with Bayer when he initially made contact with the people within Alibi the night of the shooting.
7. Officer Jacobson reported that the video depicted that just before midnight, the Clark and Hernandez, who were previously speaking with Bayer, react to something by the door of the bar and point in that direction. Hernandez then goes outside by himself and seconds later, at approximately 12:00:16 on the video, Clark follows. At approximately 12:00:23, Bayer appears to react to something outside and walks to the front door. Seconds later, Hernandez and Clark run into the bar and Hernandez can be

seen carrying a black handgun. Hernandez and Clark both gather their belongings and try to leave but Bayer appears to try and stop them at the door. All three subjects leave the bar. Approximately 12 seconds later, Bayer returns to the bar and obtains her phone. Hernandez and Clark also return to the bar and proceed to where Bayer is standing. Hernandez removes the gun from his hip and hands it across the bar to Bayer, who then hides the gun behind the bar. Hernandez then takes off his outer jacket and “doo-rag” and gives those items to Bayer, who once again places the items behind the bar. Bayer then provides the Hernandez with a different gray jacket, which he puts on. Bayer, Hernandez, and Clark then exchange “comments, smiles, and an apparent high-five.” Bayer is seen deactivating the alarm on the Northwest bar door and Hernandez leaves. Officer Jacobsen reports that Bayer and Clark then embrace each other. Bayer then conceals the original jacket by tucking it under the bar as officers, including Officer Jacobsen, walk into the bar on the video and make contact with Bayer and Clark as noted above.

8. Officer Jacobsen further reported that the video shows that at approximately 12:13 A.M., Hernandez returns to the bar and remains at the bar until approximately 12:26 before all three subjects leave together out the front door.
9. Through their investigation, WAPD officers were able to identify and make contact with Hernandez. Hernandez spoke with Detective Lori Belli and stated that he was at the bar, had a few drinks, and had his gun on him. He said when he had gone outside for a cigarette, he discharged several rounds into the air and that it was a really dumb decision. Hernandez informed officers that after discharging the gun, he ran into the bar and exchanged his sweatshirt with the bartender and ran out of the bar. He told

Detective Belli that he threw the gun into a dumpster, which was not corroborated by the video which showed Bayer obtaining the gun initially.

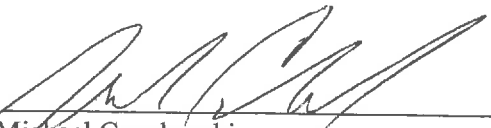
10. Hernandez further told Detective Belli that during his interaction with Bayer while inside the bar, he was openly carrying a gun and Bayer was interested in it so he showed it to her. She continued to serve him alcohol even after seeing the handgun.
11. That the WAPD had previous contact with Bayer on January 7, 2019, related to Bayer's vehicle exiting the roadway, striking a light pole, and rolling her car over. Officer Daniel Foy reported that he made contact with Bayer, who admitted to driving the vehicle during the accident. Officer Foy reported that Bayer exhibited signs of intoxication, admitted to drinking, and did not want to do field sobriety tests because she knew she would not pass them. Officer Foy had Bayer take an intoximeter breath test, used to determine the blood/alcohol concentration of a person. That test showed that Bayer had a breath/alcohol concentration of .18 g/210 L of breath, over the .08 legal limit for operating a motor vehicle.
12. That based on the above incidents detailed in this complaint, Bayer is a habitual law offender whose offenses substantially relate to the licensed activity in violation of Wis. Stat. § 125.04(5)(b) as adopted by the West Allis Revised Municipal Code, hereafter "RMC," § 9.02(1). Those law violations that cause Bayer to be a habitual law offender and which substantially relate to the licensed activity include: a violation of Wis. Stat. § 343.63(1)(a) and (b) for operating while under the influence of an intoxicant and with a prohibited alcohol concentration; a violation of Wis. Stat. § 946.41(1) for obstructing police on an official investigation while engaged in the licensed activity; for being in control of a licensed premises and knowingly allowing

a patron to violate Wis. Stat. § 941.237 by allowing a handgun within a premises where alcoholic beverages are sold and possessing the handgun herself; assisting an individual while in her official capacity as a licensee to commit violations of Wis. Stat. § 941.20(1)(d) for discharging a firearm within 100 yards of any building; being a party to a crime pursuant to Wis. Stat. § 939.05 to the violations of Wis. Stat. §§ 941.231 and 941.20(1)(d) as referenced above.


13. That based on the above incidents detailed in this complaint, Bayer was in control of the premises located at 6540 W. Grant Street, in the City of West Allis, known as Alibi Bar, and maintained a disorderly, riotous, indecent or improper house in violation of Wis. Stat. § 125.12(2)(ag)2, as adopted by West Allis RMC § 9.02(1). Those violations which demonstrate Bayer violated Wis. Stat. § 125.12(2)(ag)2 include: knowingly allowing a patron to violate Wis. Stat. § 941.237 for allowing a handgun within a premises where alcoholic beverages are sold and possessing the handgun herself; assisting an individual while in her official capacity as a licensee to commit violations of Wis. Stat. § 941.20(1)(d) for discharging a firearm within 100 yards of any building by helping to hide the firearm after the shooting; and for being a party to a crime pursuant to Wis. Stat. § 939.05 to the violations of Wis. Stat. §§ 941.237 and 941.20(1)(d) as referenced above. Bayer further substantially contributed to the disorderly, riotous, indecent or improper house when she intentionally lied and mislead police to impede their investigation into a shooting incident in the bar in violation of Wis. Stat. §. 946.41(1).
14. That the preceding violations are grounds for revocation of the operator's license issued to Bayer, operator's license number 8381.

WHEREFORE, Alderperson Michael Czaplewski requests Melissa Bayer be summoned to appear before the License and Health Committee of the West Allis Common Council to answer this complaint and, if the material allegations of the complaint are denied, that a hearing be held to determine whether the license issued to Melissa Bayer should be revoked.

Dated this 30 day of JANU, 2020.

By: 
Michael Czaplewski
Alderperson for the First District
License and Health Committee Chair
City of West Allis

Subscribed and sworn to before me
this 30 day of January, 2020.


(Nicholas S. Cerwin)
Notary Public, State of Wisconsin
My Commission expires: Permanent

