

# City of West Allis Matter Summary

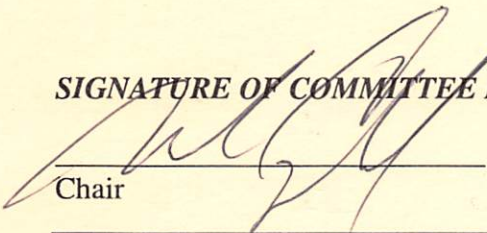
File Number	Title	Status
2009-0180	Findings and Recommendation	In Committee
Findings and Recommendations in the Matter of the Complaint Against Lenny's Inc., Leonard Malan, Agent, d/b/a Lenny's for premises located at 6309 W. National Avenue.		
Introduced: 3/17/2009		Controlling Body: License & Health Committee

## APPROVAL

### COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 17 2009		✓	Barczak	✓			
			Czaplewski	✓			
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
		✓	Roadt	✓			
			Sengstock	✓			
			Vitale				
		Weigel	✓				
		TOTAL		5	0		

### SIGNATURE OF COMMITTEE MEMBER



Chair

Vice-Chair

Member

### COMMON COUNCIL ACTION

## APPROVAL

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 17 2009	✓		Barczak	✓			
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			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
		Weigel	✓				
		TOTAL		10			

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

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**In the Matter of the  
Complaint Against**

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND RECOMMENDATIONS**

**LENNY'S, INC.,**

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**STATE OF WISCONSIN        )  
  ) ss.  
COUNTY OF MILWAUKEE    )**

Upon deliberation and consideration of the evidence presented at the hearing held on March 3, 2009, the Committee finds:

**FINDINGS OF FACT:**

1. That the allegations in the complaint were admitted by Leonard Malan and are true;
2. That the conduct of Lenny's Inc. and Leonard Malan described in the complaint substantially relates to the alcohol beverage licensed activity contrary to Wis. Stat. § 125.04 (5);
3. That, in particular, the numerous police service calls generated at Lenny's in the past two years, the underage persons allowed entry into the bar, and the failure of Leonard Malan to call the police during disturbances of the peace at the bar are contrary to Wis. Stat. § 125.04 (5).

**CONCLUSIONS OF LAW:**

1. That the evidence submitted at the hearing constitutes a sufficient basis to suspend the liquor license of Lenny's, Inc. for 10 consecutive days.

Therefore, the License and Health Committee recommends to the Common Council of the City of West Allis that the liquor license of Lenny's, Inc. be suspended for 10 consecutive days.

Dated at this 13 day of MARCH, 2009.

By: 

\_\_\_\_\_  
Michael J. Czaplewski  
License & Health Committee  
West Allis Common Council



**CITY CLERK/TREASURER'S OFFICE**  
414/302-8200 or 414/302-8207 (Fax)  
[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)  
**Paul M. Ziebler**  
*City Admin. Officer, Clerk/Treasurer*  
**Monica Schultz**  
*Assistant City Clerk*  
**Rosemary West**  
*Treasurer's Office Supervisor*

March 13, 2009

Mr. Leonard E. Malan  
S76W13390 McShane Rd.  
Muskego, WI 53150

Dear Mr. Malan:

Enclosed please find a copy of the License & Health Committee's Report which includes its Findings of Fact, Conclusions of Law, and Recommendation that will be submitted to the Common Council on March 17, 2009. The recommendation is that your 2008-2009 Class B Tavern License be suspended for a period of ten (10) consecutive days based upon your appearance before the License & Health Committee on March 3, 2009.

You may file a written objection to the License & Health Committee's Report. If you file a written objection to the report, you may also appear before the Common Council. Any written objections to the Committee's report must be filed with the City Clerk by 5:00 p.m. on Monday, March 16, 2009.

Sincerely,

A handwritten signature in black ink that reads "Monica Schultz".

Monica Schultz  
Assistant City Clerk

Enclosure

cc: License & Health Committee Chair  
City Attorney

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

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**In the Matter of the  
Complaint Against**

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND RECOMMENDATIONS**

**LENNY'S, INC.,**

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**STATE OF WISCONSIN        )  
  ) ss.  
COUNTY OF MILWAUKEE    )**

Upon deliberation and consideration of the evidence presented at the hearing held on March 3, 2009, the Committee finds:

**FINDINGS OF FACT:**

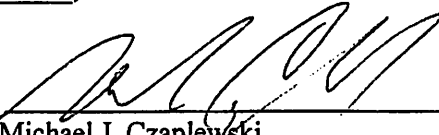
1. That the allegations in the complaint were admitted by Leonard Malan and are true;
2. That the conduct of Lenny's Inc. and Leonard Malan described in the complaint substantially relates to the alcohol beverage licensed activity contrary to Wis. Stat. § 125.04 (5);
3. That, in particular, the numerous police service calls generated at Lenny's in the past two years, the underage persons allowed entry into the bar, and the failure of Leonard Malan to call the police during disturbances of the peace at the bar are contrary to Wis. Stat. § 125.04 (5).

**CONCLUSIONS OF LAW:**

1. That the evidence submitted at the hearing constitutes a sufficient basis to suspend the liquor license of Lenny's, Inc. for 10 consecutive days.

Therefore, the License and Health Committee recommends to the Common Council of the City of West Allis that the liquor license of Lenny's, Inc. be suspended for 10 consecutive days.

Dated at this 13 day of MARCH, 2009.

By:   
\_\_\_\_\_  
Michael J. Czaplewski  
License & Health Committee  
West Allis Common Council

ROGER C. PYZYK  
ATTORNEY AT LAW  
ASSOCIATED BANK BUILDING - SUITE 200  
10701 WEST NATIONAL AVENUE  
WEST ALLIS, WISCONSIN 53227-3239

RECEIVED

MAR 16 2009

CITY OF WEST ALLIS  
CLERK/TREASURER

TELEPHONE  
(414) 321-1400

TELEFAX  
(414) 321-1404

March 16, 2009

City of West Allis Common Council

Re: *Lenny's Inc.*  
*6309 W. National Ave.*

Dear Mayor & Common Council Members,

I recently appeared before the License Committee in response to a complaint issued against my tavern, Lenny's.

Although I had an explanation for certain of the allegations which I felt were not my fault and beyond my control, I do not contest the statements in the complaint.

I have agreed with the License Committee to voluntarily surrender my license for a suspension period of 10 consecutive days commencing April 26, 2009 thru May 5, 2009. The tavern doors will be locked and I will not be open for business during that time period.

I am kindly requesting that the Common Council accept the resolution of this matter and accept the closure period of April 26, 2009 thru May 5, 2009.

Thank you,

Leonard Malan





CITY CLERK/TREASURER'S OFFICE  
414/302-8200 or 414/302-8207 (Fax)  
[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)  
**Paul M. Ziehler**  
*City Admin. Officer, Clerk/Treasurer*  
**Monica Schultz**  
*Assistant City Clerk*  
**Rosemary West**  
*Treasurer's Office Supervisor*

March 25, 2009

Mr. Leonard Malan  
S76 W13390 McShane Rd.  
Muskego, WI 53150

Re: Class B Tavern License Suspension

Dear Mr. Malan:

Please be advised, on March 17, 2009 the City of West Allis Common Council approved the Findings of Fact, Conclusions of Law, and Recommendations in regard to the Class B Tavern license suspension for ten (10) consecutive days commencing April 26, 2009 through May 5, 2009 for Lenny's Inc., d/b/a Lenny's at 6309 W. National Avenue.

Please feel free to contact me should you have any questions in this regard.

Sincerely,

Monica Schultz  
Assistant City Clerk

/jl

cc: Chairman, License & Health Committee  
City Attorney  
Police Chief





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**Monica Schultz**  
*Assistant City Clerk*  
**Rosemary West**  
*Treasurer's Office Supervisor*

March 25, 2009

Department of Revenue  
Attn: Roger Johnson  
MAIL STOP 6-40  
2135 Rimrock Road  
Madison, WI 53713

Re: Findings of Fact, Conclusions of Law, and Recommendations of Lenny's Inc., d/b/a Lenny's

Dear Mr. Johnson:

Pursuant to §125.13, Wis, Stat., enclosed please find the Findings of Fact, Conclusions of Law, and Recommendations approved by the City of West Allis Common Council on March 17, 2009 regarding voluntary liquor license suspension for ten (10) consecutive days commencing April 26, 2009 through May 5, 2009 for Lenny's, Inc., d/b/a Lenny's at 6309 W. National Avenue.

Please feel free to contact me should you have any questions in this regard.

Sincerely,

Monica Schultz  
Assistant City Clerk

/jl

Encl.

cc: Chairman, License & Health Committee  
City Attorney