

5. That on January 21, 2010, the City of West Allis filed a complaint against M&W Hospitality, Inc. for suspension or revocation of its Class B Intoxicating Liquor and Class B Fermented Malt Beverage Licenses, Dance Hall License, and Instrumental Music License for violations of Chapter 125 of the Wis. Stats., and sections 9.02(12)(b), 9.02(12)(c), and 9.02(12)(d) of the West Allis Revised Municipal Code. Said complaint is attached to this complaint as Exhibit A and incorporated by reference.
6. That in April 2010, the City of West Allis and M&W Hospitality, Inc. agreed that said complaint provided sufficient basis for the City to take action against the licenses and admitted that violations existed to justify the closure of the business for 21 days, among other restrictions. Said stipulation is attached to this complaint as Exhibit B and incorporated by reference. This stipulation is being attached to demonstrate a pattern of conduct for M&W Hospitality, Inc. and not as grounds for suspension, revocation, or non-renewal.
7. That on August 2, 2010, at approximately 2:13 a.m., West Allis Police Officer Ryan McNally was monitoring the crowd exiting Mario's when he observed a vehicle that had loud rap music emitting from it pull up in front of the tavern.
8. That Officer McNally then observed several people dancing around the car and in the street, saw several people arguing, and then saw a large fight begin on the sidewalk, where approximately 30 people were congregating, next to the tavern.
9. That Officer McNally saw a woman lying helplessly on the ground in a fetal position with approximately 10 people punching and kicking her.
10. That Officer McNally then saw a large glass mug fly through the air and smash against the side of the tavern.
11. That Officer McNally, who was in the full uniform of the West Allis Police

Department and in a marked squad with emergency lights flashing, ordered the people to stop fighting several times, but no one listened to his commands.

12. That Officer McNally observed Quyanna Dalton kicking and punching the woman on the ground, so he escorted her away from the fight.
13. That Dalton told Officer McNally to “get his hands off of her” and resisted arrest; she further became belligerent, shouted loudly; and refused to follow his commands.
14. That Officer McNally returned to try to break up the fight again and saw Paula Freeman-Ward kicking the woman on the ground; as Officer McNally attempted to escort Freeman-Ward from the fight, she tried to pull her arm away from him and continued kicking the woman on the ground.
15. That while Officer McNally’s attention was directed to Freeman-Ward, Dalton walked to the middle of 60th Street and shouted and continued to provoke the fight; 20 people were still on the sidewalk near Mario’s yelling, screaming, and fighting.
16. That Officer McNally had to forcibly escort Dalton to a squad car where she refused to sit in the squad and refused to provide him with her identifying information.
17. That Officer McNally told the driver of the vehicle in front of Mario’s, Timothy Hibbler, several times to leave the area, but he refused.
18. That throughout the duration of the fight, Timothy Hibbler and his two passengers, Tidal Hibbler and Antone Hibbler, were encouraging the fight and arguing with officers.
19. That Officer McNally ordered Timothy Hibbler to exit the vehicle, but Timothy began slowly driving away.
20. That Officer McNally grabbed the front passenger door handle to open the car door, but the door was locked.
21. That even though Officer McNally was holding on to the vehicle, Timothy Hibbler

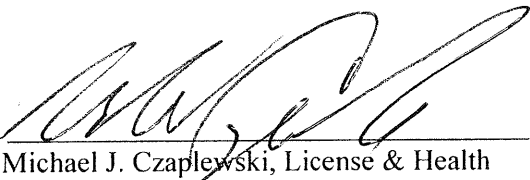
- still continued driving and pulled Officer McNally along with the vehicle.
22. That due to Timothy Hibbler's actions, Officer James Cato had to point his electronic control device into the vehicle and Officer Timothy Gold had to point his firearm at Timothy Hibbler.
 23. That after several officers repeatedly told Timothy Hibbler to stop the vehicle, he finally did stop the vehicle, but refused to exit it; he argued with Officer McNally until Officer McNally, Officer Cato, and Officer Wayne Treep were able to escort him from the vehicle onto the ground.
 24. That Officer Gold observed Tidal Hibbler arguing with the officers and refusing to obey the officers' commands.
 25. That Officer Cato was forced to deploy his electronic control device at Antone Hibbler due to his refusing to obey officers' commands; Officer Cato and Officer Treep had to subdue Hibbler as he tried to fight through the effects of the electronic control device to arrest him.
 26. That due to the number of people involved in this incident and the chaotic situation, officers from the Milwaukee Police Department, West Milwaukee Police Department, and Milwaukee County Sheriff were required to diffuse the situation.
 27. That five people were arrested as a result of this incident and issued municipal citations for disorderly conduct and resisting an officer.
 28. That on September 24, 2010, West Allis Police Department Sergeant Clint Corwin was parked outside of Mario's at approximately 12:15 a.m. when he observed several males, who appeared highly intoxicated, creating a disturbance by yelling, attempting to engage passing females in conversation, and "rapping" songs.
 29. That while outside, Luis Flores approached Sergeant Corwin and told him that a group of his (Flores') friends had gathered at Mario's for a party to remember a

recently deceased friend and to honor Demario Bell, who had previously shot two West Allis Police officers in August 2010.

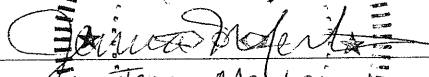
30. That due to Flores appearing to be highly intoxicated and possibly under the age of 21, Sergeant Corwin checked his identification and his criminal history, which revealed that he had two active warrants.
31. That when Sergeant Corwin placed Flores under arrest, he noticed that a large and disruptive crowd of 10-15 people had gathered outside of Mario's and were pacing back and forth and yelling vulgarities at him.
32. That several people of the crowd tried approaching Sergeant Corwin while he was effectuating the arrest, and he had to yell at them to stay back away from him.
33. That Sergeant Corwin went to the group to try to calm it down, but one crowd member, James Liebe, continued yelling obscenities at him and instigating the crowd.
34. That due to Liebe refusing to obey his commands and instigating the crowd, Sergeant Corwin grabbed Liebe and walked him away from the crowd.
35. That Liebe continued yelling and resisting Sergeant Corwin's commands and calmed down only when Sergeant Corwin threatened to use his electronic control device.
36. That after being arrested, Liebe repeatedly threatened Sergeant Corwin, tensed his arms, and pushed back against officers, causing Sergeant Corwin to suffer small abrasions and a six-inch scratch on his arm.
37. That Sergeant Corwin cited Liebe for disorderly conduct.
38. That M&W Hospitality, Inc., has violated the provisions of Chapter 125, Wis. Stats.; keeps or maintains a disorderly or riotous, indecent or improper house; and has violated sections 9.02(12)(c) and 9.02(12)(d) of the West Allis Revised Municipal Code.

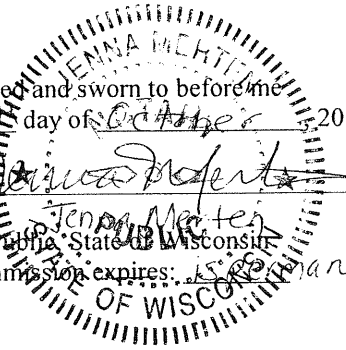
WHEREFORE, Michael J. Czaplewski requests that M&W Hospitality, Inc. be summoned to appear before the License and Health Committee of the West Allis Common Council to answer this complaint and, if the material allegations of the complaint are denied, that a hearing be held to determine whether the Class B Tavern Licenses and Dance Hall License should be revoked, suspended, or not renewed.

Dated this 28 day of Oct, 2010.

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

Subscribed and sworn to before me
this 28 day of October, 2010.


(Jenna Merten)
Notary Public, State of Wisconsin
My Commission expires: PERMANENT



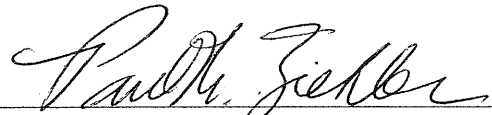
West Allis Common Council finds the allegations sufficient, a recommendation that your license(s) be suspended or revoked will be made to the full Common Council. The Common Council may then vote to suspend, revoke, or not renew your license(s).

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 18th day of January, 2010.

WEST ALLIS COMMON COUNCIL

By:



Paul M. Ziehler, City Administrative Officer,
Clerk/Treasurer

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

**In the Matter of the
Complaint Against**

COMPLAINT

**M&W Hospitality, Inc.,
Mario Morgese, agent,
Andrew Arena, registered agent**

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

Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against M&W Hospitality, Inc. as follows:

1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the First Aldermanic District in the City of West Allis, is the Chairman of the License and Health Committee, and makes this complaint at the direction of the License and Health Committee of the West Allis Common Council.
2. That the information contained in this complaint comes from the complainant's review of official records maintained by the City of West Allis and the West Allis Police Department, which records complainant believes to be reliable and accurate.
3. That M&W Hospitality, Inc. is the holder of "Class B" Intoxicating Liquor & Class "B" Fermented Malt Beverage License Number 1091, Dance Hall License Number 1092, and Instrumental Music License Number 1093, issued by the West Allis Common Council for the license period beginning July 1, 2009, and ending June 30, 2010, for the premises located at 1900 South 60th Street, West Allis, Wisconsin and does business under the trade name "Mario's."
4. That Mario Morgese and Andrew Arena are the registered agents of M&W

Hospitality, Inc.

5. That on May 9, 2005, at approximately midnight, Officer Marla Scherbarth entered Mario's for a tavern check. Her investigation revealed that the tavern was open for business with approximately 12 patrons inside, but that bartender Melissa Martin did not have her bartender's license with her nor was anyone else in the bar licensed. Scherbarth issued Martin a citation for failure to have a license on person while dispensing an alcoholic beverage.
6. That on March 29, 2006, at approximately 12:02 a.m., Officer Todd Kurtz observed 20-year-old Jeremy Kreush passed out and vomiting outside of Mario's. Investigation revealed that Kreush had entered Mario's because no one checked his identification. While inside the bar, Kreush asked Edwin Brost, another bar patron, to purchase drinks for him, and Brost purchased him two mixed drinks. Kreush also admitted to drinking several shots inside Mario's. Officers cited Kreush for underage drinking, Brost for purchasing alcohol for an underage person, and tavern agent Mario Morgese and bartender Kelly Theoharis for permitting an underage person to enter/remain in Mario's.
7. That on May 20, 2006, at approximately 2:10 a.m., officers responded to the area of Mario's and observed that many people were in the street. Officers stayed in the area until the street cleared. During this time, Officer Kurtz observed Alexander Meeks yelling, swearing, punching a hood of a car, and standing on the hood of a car. Officer Kurtz made contact with Meeks, who was intoxicated, calmed him down, and sent him away from the premises.
8. That on September 29, 2007, at approximately 2:10 a.m., Officer James Herkowski saw Calob House standing outside of Mario's holding a bottle of liquor. Officer Herkowski observed that the bottle of liquor had a green pour top that taverns use to

serve drinks. When Officer Herkowski exited his squad car, House went inside Mario's. House, who was 20 years old and extremely intoxicated, stated that he was inside Mario's and that he was never asked for identification and that he had none on him. Morgese positively identified House as being inside the tavern and that he stole the liquor from the tavern. House was arrested for theft and underage alcohol, and Morgese was cited for allowing an underage person to enter/remain on licensed premises.

9. That on February 23, 2008, at approximately 2:01 a.m., Officer Jason Vanderwerff was monitoring the closing of Mario's when he observed several females fighting on the sidewalk near the tavern. Investigation revealed that an argument between the women had begun while inside Mario's. As the bar closed, the fight moved outside. Two of the women, Danielle Klein and Regina Tucker, resisted officers' commands to stop the fight, and Officer Vanderwerff had to deploy his oleoresin capsicum spray on Klein. Both Klein and Tucker received citations for disorderly conduct.
10. That on May 10, 2008, at approximately 12:30 a.m., officers responded to Mario's for a report of underage persons drinking and serving liquor in the tavern. Investigation revealed that one of the girls employed as a "shot girl" at Mario's was 16 years old. That girl had purchased alcohol at the tavern and sold it to various bar patrons. Officers observed that the girl appeared to be moderately intoxicated, and she admitted that she took shots from the ones she purchased and drank them. Morgese stated he did not verify the girl's age at any time on that night. Morgese received a citation for selling alcohol to an underage person.
11. That on August 2, 2008, at approximately 1:38 a.m., Sarah Alvarez flagged Officer Kelly Kempinski down to report that a male assaulted her while in Mario's. Investigation revealed that a male punched Alvarez in the face, so in retaliation, she

took her beer bottle and shattered it on the male's hand. A few minutes later, Alvarez stated that Morgese told her not to make a big deal out of the incident because he was in danger of losing his license. Since the tavern was closing, Alvarez left the tavern for home, but flagged down Officer Kempinski as she left. Alvarez did not wish for any charges to be filed.

12. That on August 22, 2008, officers were dispatched to Mario's for an assault complaint. Investigation revealed that Steven Koscak was inside the tavern with friends when his billiards opponents began physically beating him over a money dispute. Koscak stated that while he was being placed in a headlock, bit, and punched in the head, Mario's employees did nothing to stop the fight. Eventually, the employees escorted the two assailants outside the tavern, but the assailants walked back in and began beating him again. The employees escorted them out a second time, but they re-entered the tavern and started beating him a third time. At some point during the third beating, an unidentified woman struck Koscak in the back with a pool cue. Koscak stated that Mario's doorman, Bruce Hicklin, told him that the police were outside and that the assailants were being arrested. When Koscak wanted to leave to speak to the police, Mario's employees would not let him leave. When Koscak finally was able to leave, he called the police to report the incident and discovered that no one from Mario's had ever notified the police of this incident. Officer Michael Sitter later spoke to Mario's bartender, Jodie Rauth, who stated that an altercation had occurred in the tavern, but that no one called the police because the bouncers broke it up and the fight did not appear to be a serious matter. Officer Archie Dunbar spoke to Hicklin who stated that he was the bouncer, but that no fight had occurred in the bar that night. Even after Officer Dunbar specifically pointed out Koscak to Hicklin, Hicklin still denied that Koscak was involved in a

fight and stated that he didn't even think he was in the bar. After Officer Dunbar learned what Rauth had said, he spoke to Hicklin again. Hicklin again denied that a fight occurred, but when Officer Dunbar told him what Rauth had said, Hicklin stated, "It wasn't really a fight. Some guys were arguing about a pool game. No one got hurt or hit with any pool cues. We broke them up and kicked everyone out of the bar." When Officer Dunbar asked Hicklin if he knew that the bar staff was required to call the police when a fight occurred inside the bar, he stated, "Yes, but I didn't think this was a big deal. We broke them up and kicked them out without any problems." Since Koscak did not want to press charges, the officers did not issue any citations.

13. That on March 7, 2009, at approximately 2:19 a.m., Officer Jason Vanderwerff observed two people arguing in the street area near Mario's. Investigation revealed that Dominique Lilley, who was 20 years old, was inside Mario's and was not asked to provide any identification upon entering. Lilley stated that she had been in Mario's before because "they like her there" and consumed one beer inside the tavern on the night of the incident. When she left, Lilley stated that an acquaintance of hers, "Justin," started fighting with her. Lilley and Morgese received citations for an underage person being present on licensed premises.
14. That on June 13, 2009, at approximately 1:57 a.m., West Allis police officers were monitoring Mario's at closing time. Officer James Plotkin observed Alex Alvarez engage in a fight with three other men in the entryway of Mario's. Investigation revealed that one of the four males, Daniel Hughes, was only 20 years old. Hughes told officers that he entered Mario's at approximately midnight and walked in because no one was at the door. Further, he stated that he had been inside Mario's four weeks earlier. On the night of the incident, Hughes stated that the altercation

between the four men began inside the tavern and then continued outside. Officers were required to tase Jason Brown, who was involved in the fight. Officers arrested and cited the four men for various offenses, including disorderly conduct, obstructing, and liquor law violations. Morgese received a citation for allowing an underage person to enter licensed premises.

15. That on June 16, 2009, Officer Charles Clark performed a business check on Mario's. He observed Kelly Theoharis serving patrons alcoholic beverages. When Clark asked the bartender for her license, she stated that she did not have one and that she thought Bruce Hicklin, another Mario's employee, had a valid license. Investigation revealed that Hicklin did not have a valid bartender's license, and, therefore, no licensed bartender or agent was present on the premises. Officer Clark cited Hicklin and Morgese for operating the premises with an unlicensed bartender.
16. That on October 4, 2009, at approximately 1:44 a.m., Officer Michael Sitter was on routine patrol when he observed several people in the street fighting outside of Mario's. Officer Sitter exited his vehicle and tried to place one of the suspects, Gregory Luedtke, in handcuffs. While doing so, a large crowd gathered around him, and they began yelling and screaming at Officer Sitter and tried to pull Luedtke away from him. Officer Sitter then observed Frederick Ball punch Scott Vidmar, a bouncer employed by Mario's. Officer Cato and Sitter had to tase Ball so that he could be arrested. Officers spoke to Mario Morgese regarding the above incident, and he stated that Luedtke was inside his bar causing problems. One of his bouncers, Raymond Kalski, removed Luedtke from the bar. Once they went outside, Morgese observed James Luedtke yelling and cursing at them and swinging at Kalski. Morgese noted that other individuals hitting and kicking Kalski and stated that it was very chaotic. Four people were cited for disorderly conduct, one person for resisting

an officer, and one person for possession of marijuana.

17. That in the past four and a half years, Mario's has generated a total of approximately 200 service requests. Some of these service requests include the following:

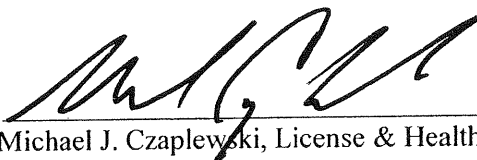
<u>Date</u>	<u>Nature of Call</u>
7/3/2005	Disorderly Conduct
9/4/2005	Noise Complaint
2/12/2006	Trouble Call
5/6/2006	Trouble Call
5/14/2006	Suspicious Activity
9/2/2006	Trouble Call
09/3/2006	Trouble Call
9/10/2006	Assault
3/4/2007	Controlled Substance
5/5/2007	Disorderly Conduct
7/6/2007	Assault
7/28/2007	Disorderly Conduct
8/10/2008	Assault
11/15/2008	Controlled Substance
1/31/2009	Disorderly Conduct
2/20/2009	Suspicious Activity
3/6/2009	Assault
4/18/2009	Trouble Call
5/3/2009	Disorderly Conduct
7/11/2009	Disorderly Conduct
7/17/2009	Trouble Call

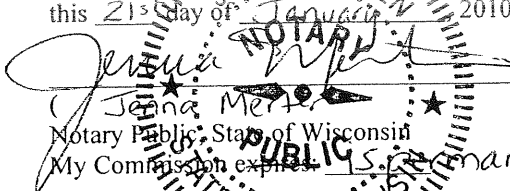

7/18/2009	Noise Complaint
7/18/2009	Disorderly Conduct
11/14/2009	Trouble Call
11/20/2009	Disorderly Conduct

18. That M&W Hospitality, Inc., has violated the provisions of Chapter 125, Wis. Stats.; keeps or maintains a disorderly or riotous, indecent or improper house; and has violated sections 9.02(12)(b), 9.02(12)(c), and/or 9.02(12)(d) of the West Allis Revised Municipal Code.

WHEREFORE, Michael J. Czaplewski requests that M&W Hospitality, Inc. 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 Class B Tavern Licenses, Dance Hall License, and Instrumental Music License of M&W Hospitality, Inc., should be revoked, suspended, or not renewed.

Dated this 21 day of JAN, 2010.

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

Subscribed and sworn to before me
 this 21st day of January, 2010.

 (Jenna Merten)
 Notary Public, State of Wisconsin
 My Commission expires 12/31/2011


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

**In the Matter of the Complaint against M&W Hospitality, Inc.,
D/b/a Mario's**

STIPULATION

The West Allis City Attorney's Office, by Assistant City Attorney Jenna Merten, and M&W Hospitality, Inc., by its president, Mario Morgese, hereby agree and stipulate as follows:

1. That the Summons and Complaint against M&W Hospitality, Inc. (hereinafter "M&W") was filed with the City Clerk/Treasurer pursuant to Wis. Stat. § 125.12(2);
2. That the Summons and Complaint was served in accordance with Wis. Stat. § 125.12(ar);
3. That M&W waives its right under Wis. Stats. § 125.12(2)(d) to appeal the proceedings had in this matter;
4. That sufficient grounds are stated in the complaint for the imposition of sanctions set forth in Wis. Stat. 125.12(2)(b)2;
5. That no alcohol beverages shall be served at 1900 South 60th Street, West Allis, Wisconsin for a period of 21 consecutive days commencing at 12:01 a.m., June 17, 2010 and terminating at 6:00 a.m. July 8, 2010;
6. That M&W agrees to maintain all surveillance camera footage from the tavern for a period of 30 days and shall turn over a copy of any such footage within 48 hours of a police officer's request;

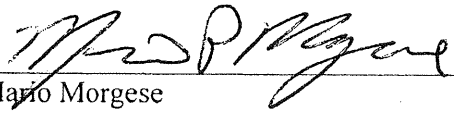
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WEST ALLIS
CITY ATTORNEY

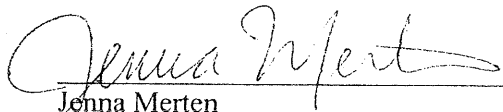
13. That if the West Allis Common Council does not approve the agreement, the matter shall return to the License and Health Committee of the West Allis Common Council for hearing pursuant to Wis. Stat. 125.12(2)(b);

14. That if the West Allis Common Council approves this stipulation, the City of West Allis and M&W Hospitality, Inc. are bound to the terms of the stipulation and failure to comply with said terms will result in continuation of the hearing procedures set forth in Wis. Stat. 125.12(2)(b).



Mario Morgese
President, M&W Hospitality, Inc.

4/1/10
Date



Jenna Merten
Assistant City Attorney
City of West Allis

3/23/10
Date