

601.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2014-0286 Report Introduced

Police Department Report involving Remedy Bar, 1309 S. 60 St. (2013-2014 Class B Tavern License no. 1733 of LeLe's Whiskey Corner, LLC, Erwin C. Magritz, Agent, Incident Date: March 18, 2014).

Introduced: 5/20/2014

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

PDF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>5-20-14</u>			Barczak	✓			
			Czaplewski	✓			
			Haass	✓			
			Lajsic				
			May				
			Probst				
			Reinke				
			Roadt		✓		
			Vitale				
		Weigel		✓			
		TOTAL		5	0		

SIGNATURE OF COMMITTEE MEMBER

[Signature]
Chair

Vice-Chair

Member

COMMON COUNCIL ACTION LACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAY 20 2014</u>			Barczak	✓			
			Czaplewski	✓			
			Haass	✓			
			Lajsic	✓			
			May	✓			
			Probst	✓			
			Reinke	✓			
			Roadt	✓			
			Vitale	✓			
		Weigel	✓				
		TOTAL		10			

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL**

ADMINISTRATION & FINANCE

Chair: Vincent Vitale
Vice-Chair: Kevin Haass
Thomas G. Lajsic
Michael P. May
Cathleen M. Probst

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplowski
Rosalie L. Reinke
Daniel J. Roadt

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Cathleen M. Probst
Michael P. May
Rosalie L. Reinke
Vincent Vitale

LICENSE & HEALTH

Chair: Michael J. Czaplowski
Vice-Chair: Daniel J. Roadt
Gary T. Barczak
Kevin Haass
Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Michael P. May
Thomas G. Lajsic
Cathleen M. Probst
Vincent Vitale



**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 5/3/2014
To: Lieutenant Jessica Johnson
From: Officer Joseph Mathy

Violation Type

- Tavern Violation Bartender Violation Restaurant Violation Liquor Store
 No Violation but the Incident is Liquor License Related

Incident #: 14-002302 N/A

Location: 1309 S. 60 St. N/A

Establishment Name: Remedy N/A

Establishment License #: Class B Lic#15-230 N/A

Establishment Owner: Erwin C. Magritz N/A

Owner Address: 407 Island View Ct. Dousman, WI. 53118 N/A

Violation(s): Battery N/A

Offender: Unknown N/A

Offender Address: N/A

Offender: N/A

Offender Address: N/A

Offender: N/A

Offender Address: N/A

Offender: N/A

Offender Address: N/A

Additional Offenders listed in Incident Report narrative: Yes No

Reviewed by Commanding Officer: Captain Marks

Copy of Incident Report Attached to Liquor Laws Violation Report: Yes N/A

Commanding Officer Signature:

Reviewed by Deputy Chief Robert Fletcher:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Date:

03/18/2014

CFS Code-1:

1313

Incident Report Number:

14-002302

Incident:
Simple Assault

Incident Report Number:
14-002302

Between: Date - Time

And/At: Date-Time

3/18/14

01:46

Incident Location:

1309 S 60 St;WA, West Allis, WI, 53214

CFS Code-1:
1313

CFS Code-2:

CFS Code-3:

Offense Code-4:

CFS Code-5:

CFS Code-6:

CFS Code-7:

CFS Code-8:

W

Name (Last, First, Middle)

Flynn, Tina L

DOB:

08/21/1970

Race/Sex

W/F

Address: (Address, City, State, Zip)

1011 S 111 St,UPPER, West Allis, WI, 53214

Home Phone Number

(414) 321-0449

Employer

Work Phone Number

Employer Address

Cell Phone Number

(414) 419-2443

W

Name (Last, First, Middle)

Kaufmann, Laticia Yvette

DOB:

08/23/1976

Race/Sex

W/F

Address: (Address, City, State, Zip)

5809 W Lincoln Ave,1, West Allis, WI, 53219

Home Phone Number

Employer

Work Phone Number

UnEmployed

Employer Address

Cell Phone Number

(262) 748-4489

SUMMARY

P.O. Mathy reports... On 03/18/14 at approximately 0146hrs, I responded to the Remedy bar, 1307 S. 60 St. for a trouble call. Investigation revealed the victim, John P. Moebis M/W 04/29/81, was punched in the face several times by an un-identified offender. Witnesses on scene stated the assault was not provoked. The offender was described as a M/W, approximately 25 years old, 5'10, 170lbs, with shoulder length red/ blonde hair, a light colored beard extending several inches from his chin, and wearing a green long sleeve shirt with denim pants. The offender was accompanied by another M/W, approximately early 20's, 5'11, 165, with a shaved head. The investigation is ongoing and no suspects have been identified at this time.

Vehicle Information: (Year, Make, Model, Style, Color)

License Number:

State:

Expiration Year:

Vin:

Insurance Company:

Other Vehicle Information:

NCIC#

Reporting Officer(s):

Mathy, Joseph T.

Payroll Number:

9830

Payroll Number:

Report Date:

Time Received:

01:47:00

Time Cleared:

02:47:34

Unit(s) Assigned:

219, 310, 318, 399

Pages:

1 Of 6

Reviewed by:

Marks, Christopher

Payroll Number

9075

Copy To

West Allis Police Department

Continuation

Incident Report Number 14-002302	Incident Location: 1309 S 60 St;WA, West Allis, WI, 53214	Incident Date: 03/18/2014
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NAMES

Business

Remedy of 1309 S 60 St, West Allis, WI, 53214
Work Phone: (414) 455-3333

Victim

Moebis, John Paul W/M-32 of 1004 S 47 St, West Milwaukee, WI, 53214
DOB: 04/29/1981 DL: M120-4758-1149-03
HT: 507 WT: 155 Hair: Brown
Eyes: Blue Complexion: Fair
Cell Phone: (414) 215-1285

Suspect-1

W/M-(21-26)
HT: 510- WT: 170- Hair: Red Or Auburn
FacialHair: Beard Complexion: Fair

Comments : light colored beard extending 3-4 inches from suspect chin.

Suspect-2

W/M-(21-24)
HT: 511- WT: 165- Hair: Blonde or Strawberry
Complexion: Fair

Comments : Very short buzz cut hair style.

NARRATIVE

INITIAL CALL

Officer Mathy reports...

On 03/18/14 at approximately 0146hrs, I responded to the Remedy bar, 1307 S. 60 St., for a trouble call. Dispatch advised a male party was assaulted in the bar and the offenders reportedly fled the scene.

Reporting Officer(s): Mathy, Joseph T.	ID Number 9830	ID Number	Pages: 2 Of 6
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West Allis Police Department

Continuation

Incident Report Number
14-002302Incident Location:
1309 S 60 St;WA, West Allis, WI, 53214Incident Date:
03/18/2014**INITIAL CONTACT- JOHN P. MOEBS (VICTIM)**

Upon arrival I made brief contact with the victim, John P. Moebs M/W 04/29/81, who stated he did not want medical attention. Moebs, who had a superficial laceration above his left eye, as well as swelling around the orbital area, stated he was assaulted by two males after he requested them to leave. Moebs was intoxicated as his speech was slurred, his eyes were red and glassy, and he had a moderate odor of intoxicants emitting from his breath. Prior to having Moebs describe the incident I asked him to describe the offender. Moebs said he had limited information and a witness, Laticia Y. Kaufmann F/W 08/23/76, stated she observed the incident and can describe the offenders.

STATEMENT- LATICIA Y. KAUFMANN (WITNESS)

I asked Kaufmann to briefly explain the incident and describe the individuals involved. Kaufmann said Moebs was assaulted after he asked to males to leave the bar for the evening. Kaufmann said both individuals involved were causing a disturbance in the bar and also harassing other customers who had since left. I asked Kaufmann to describe the two individuals that assaulted Moebs. Kaufmann said the male that struck Moebs several times was a white male, approximately mid 20's in age, 5'10, 170lbs, with shoulder length red/ blonde hair, a light colored beard extending approximately 3-4 inches from his chin, wearing a long sleeve green sheet and denim pants. Kaufmann said the aforementioned offender was accompanied by another male, described as a white male, early 20's in age, approximately 5'11, 165 lbs, with a short buzz cut hair style and no facial hair. I immediately radioed responding squads the suspect descriptions and asked Kaufmann to explain what occurred.

Kaufmann stated she observed both individuals she described inside the bar when she arrived to start her cleaning shift. Kaufmann said she believed both parties were intoxicated due to their boisterous behavior and loud profane language. Kaufmann said prior to Moebs being struck, the male with the long hair and beard told a customer "I'll fuck you up." Kaufmann said the customer who was told that left immediately after being confronted by the suspect. Kaufmann said shortly after the suspect threatened the un-identified customer that the suspect punched Moebs several times in the head. I asked Kaufmann to explain what events took place leading to Moebs being struck. Kaufmann said Moebs, who is friends with the bartender, Tina L. Flynn F/W 08/21/70, asked the suspect with the beard to leave the bar after he yelled at the un-identified customer. Kaufmann said Fynn yelled at the suspects to leave and that was when Moebs told them they should leave. Immediately after Moebs told the suspects to leave, the male in the beard approached Moebs striking him in the face several times.

Kaufmann said Moebs fell down during the altercation and stated the male with the beard was the predominant aggressor. Kaufmann said the other male she described with the shaved head was also involved in the confrontation, however, she could not specify if he struck Moebs. Kaufmann said the male with the shaved head was

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Mathy, Joseph T.ID Number
9830

ID Number

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03/18/2014

directly next to the aforementioned suspect, as well as Moebs, during the confrontation. Kaufmann said that Moebs did not threaten or strike either suspect at any time. Kaufmann then presented me with a knit red and black hat which had a "G" on the front of it and stated the offender with the beard was wearing the hat prior to the altercation. I asked Kaufmann if she believes she would be able to identify the offender in a photo lineup and she said she is confident she could.

STATEMENT- JOHN P. MOEBS (VICTIM)

After speaking with Kaufmann I made contact with the victim, Moebs, and asked him to explain what occurred. Moebs said he asked two white males, who were approximately in their mid 20's, to leave the bar after they became profane. Moebs said he was immediately approached by one of the male's, who he described as having long hair and a beard, and he was punched several times. Moebs said he believes he was also punched by the other white male, who he described as having a bald head, however, Moebs said he was attempting to cover his face and could not distinguish how many times he was struck. Moebs said he lost his glasses during the confrontation and said he did not attempt to hit either of the males. Moebs said the assault was unprovoked and that he has not seen either of the individuals before.

It was apparent that Moebs was intoxicated as his speech was slurred, his eyes were red and glassy, and he had a moderate odor of intoxicants emitting from his breath. Moebs said he was confident that he would be able to identify the offenders in a photo lineup. Moebs said he did want both offenders arrested for punching him. I asked Moebs again if he would like an ambulance or medical assistance and he refused.

LACK OF CONSENT

Moebs did not give anyone permission to punch him, causing him pain and injury.

INJURIES

As a result of the assault, Moebs received various superficial injuries. Moebs left eye was slightly swollen and red. Further, there were two superficial lacerations directly above and below Moebs left eye which were approximately one inch in length.

STATEMENT- TINA L. FLYNN (WITNESS)

After speaking with Moebs about the incident, I asked the bartender, Flynn, if she could describe what happened. Flynn provided a similar description of both offenders and stated they were both becoming hostile toward the bar close. Flynn said she yelled at the offenders to leave the bar after they yelled at a different customer, who left prior to Officers arrival. Flynn said she did not see Moebs

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ID Number

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Incident Date:

03/18/2014

get punched, however, she heard the disturbance and is confident she could identify both offenders.

I asked Flynn if she had access to video surveillance and she said she did not. Flynn provided me with her manager's name, only known as Angie, and provided me with her phone number. Flynn believed the incident would be on video and said Angie is familiar with the software. Flynn did not have any other pertinent information to add concerning the incident.

PHOTOGRAPHS

I took the following photographs at 1307 S. 60 St., Remedy bar, using a WAPD issued Canon PowerShot digital camera.

1. Overview of Moebs face (distorted).
2. Overview of Moebs face.
3. Overview of the left side of Moebs face.
4. Close up of Moebs left eye (distorted).
5. Close up of Moebs left eye.
6. Close up of Moebs left eye.
7. Overview of 1309 Address.
8. un-clear photograph.
9. Overview of Remedy bar sign.

I placed the digital media card into a secured drawer in the Forensic/Technical Services Bureau.

PROPERTY

While on scene I seized the aforementioned knit red and black hat, which was worn by the offender prior to the assault, and placed it on property number 14-001831-1.

FOLLOW UP

I attempted to contact Angie several times via phone following the incident. I left several voicemail messages on Angie's cell phone, 414-350-5991, as well as at the Remedy bar, for Angie to contact me in regards to the video surveillance. On 03/21 Angie left a voicemail for me at the WAPD stating she was unable to burn a copy of the video. Angie requested that an IT specialist from the WAPD respond to the bar to access the video. As of 03/28/14, I have been unable to speak with Angie on the phone.

CASE DISPOSITION

At this time neither of the two suspects have been identified. Investigation is

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ID Number

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ongoing in this case and additional information will be supplemented to this report as it is received.

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Mathy, Joseph T.

ID Number
9830

ID Number

Pages:
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West Allis Police Department

Supplementary Report

Incident Report Number 14-002302	Incident Location: 1309 S 60 St;WA, West Allis, WI, 53214	Incident Date: 03/18/2014
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

OTHER NAMES

Unknown

West Allis Police Department of 11301 W Lincoln Ave
West Allis, WI, 53227
Business Phone: (414) 302-8000

PROPERTY LIST

Seq#	Reason	Make/Model	Description/Serial#	Quan/Value
14-001831				
1	EVI		Red black knit hat with "G" on front worn by offender	1.000 \$10.00 [Recovered]

Reporting Officer(s): Mathy, Joseph T.	Payroll Number: 9830	Payroll Number:	Report Date: 03/18/2014
Reviewed by: Saftiq, Brian	Payroll Number: 2103	Copy To:	1 Of 1

West Allis Police Department

Supplementary Report

Incident Report Number 14-002302	Incident Location: 1309 S 60 St;WA, West Allis, WI, 53214	Incident Date: 03/18/2014
New Incident:	Original CFS Code - 1: 1313	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

PHONE CONTACT- JOHN P. MOEBS (VICTIM)

Officer Mathy reports...

I recieved a voicemail message from the victim, Moebs, who informed me that he was ok and that he no longer wanted the police to investigate the incident. Moebs stated he was ok and that he did not wish to have anyone arrested for the incident.

UPDATED CASE DISPOSITION

Due to the lack of evidence in this case, as well as the inability to procure video surveliance, and Moebs' voicemail stateing he did not want any additional police action taken, this case is considered closed and no further follow up needed.

Reporting Officer(s): Mathy, Joseph T.	Payroll Number: 9830	Payroll Number:	Report Dat : 04/11/2014
Reviewed by: Marks, Christopher	Payroll Number 9075	Copy To:	1 Of 1

