

pendency of this hearing process under the same license for the period running July 1, 2023, to June 30, 2025.

2. That Craig Silber is the agent appointed pursuant to Wis. Stat. § 125.04(6)(a) for license number ALC-23-4.
3. That on May 13, 2024, Craig Silber, as registered agent of Flying Unicorn LLC was served with a copy of the summons and complaint in this matter.
4. That on or about May 21, 2024, Craig Silber, as registered agent of Flying Unicorn LLC, attended the original hearing date identified in the original summons and denied the material allegations in the complaint. At that time the matter was set for a hearing in front of the West Allis Public Safety Committee.
5. That on June 25, 2024, the Public Safety Committee held an evidentiary hearing regarding the allegations in the complaint against Flying Unicorn LLC. The committee heard testimony from Craig Silber, Mary Markes, Officer Allison Clark, Sargent Adam Stikl, and Officer Ryan Schultz as to the allegations in the complaint.
6. That on said date at the close of evidence, the Public Safety Committee deliberated and came to the conclusion that the allegations in the complaint are substantially true as alleged in the complaint based on all of the sworn testimony presented and considered.

CONCLUSIONS OF LAW

1. That Thirsty Cactus LLC was properly served at least three (3) days and not more than ten (10) days before the licensee was commanded to appear and that service was

accomplished in a manner provided under Wis. Stat. Ch. 801 for service in civil actions as commanded by Wis. Stat. 125.12(2)(ar).

2. That based upon the sworn testimony presented to the Committee by the parties, the West Allis Public Health Committee finds the allegations in the complaint to be substantially true including:

“Class B” intoxicating liquor license and a Class “B” fermented malt beverage licenses:

- a. the Licensee has violated Wis. Stat. § 125.12(2)(ag)1 regarding improperly selling, vending, dealing, or trafficking alcoholic beverages to persons who are intoxicated in violation of Wis. Stat. § 125.07(2)(a)2.
- b. the Licensee has violated Wis. Stat. § 125.12(2)(ag)1 regarding a licensee improperly selling, vending, dealing, or trafficking alcohol to an underage person not accompanied by a parent, guardian, or spouse who has attained the legal drinking age in violation Wis. Stat. § 125.07(1)(a)2.

Public Entertainment License:

- c. the Licensee has violated West Allis Municipal Code § 9.51(1)b because the licensee has failed to maintain order at the premises due to the aforementioned law violations.

3. That these conclusions by the Public Safety Committee form a sufficient basis, pursuant to Wis. Stat. § 125.12(2)(b)2 and WAMC §§ 9.51 and 9.60(5) to impose a suspension of license ALC-23-4 of not less than 10 days nor more than 90 days or to revoke the license.

RECOMMENDATION

Therefore, the Public Safety Committee recommends to the Common Council of the City of West Allis that the 2024-2025 “Class B” intoxicating liquor license and Class “B” fermented malt beverage license (together identified on the license as a “Class B Tavern License”), and a Public Entertainment Permit, all issued under license number ALC-23-4 , for the premises located at 6108 W. Burnham Street, State of Wisconsin, and issued to Flying Unicorn LLC, be suspended for a total period of TWENTY (20) Days, but with FIFTEEN (15) days of that suspension stayed and FIVE (5) consecutive days of the suspension imposed starting at 3:00 AM on July 12, 2024 and ending at 3:00 AM on July 17, 2024. Further, the FIFTEEN (15) days stayed suspension time will be immediately imposed upon any conviction of a law violation related to alcohol licensure. The remainder of any stayed condition time will expire at the close of the 2024-2025 license period ending on June 30, 2025. It is further the recommendation of the Committee that the premises be closed for business during this suspension and not allow patrons within the business for any purpose during the suspension period.

Dated this 10th day of July, 2024.

By: 

Aldersperson Suzzette Grisham
Acting Chair
License and Health Committee
West Allis Common Council