

City of West Allis Matter Summary

7525 W. Greenfield Ave. West Allis, WI 53214

File Number

Title

Status

2012-0645

Report

Introduced

Police Department Report involving Burnham Bowl, 6016 W. Burnham St. (2012-2013 Class B Tavern License no. 764, Dance Hall License no. 766, Instrumental Music License no. 767, and Bowling Alley License no. 964 of Blaine Enterprises, Inc, Claudia A. Martorano, Agent, Incident Date: October 26, 2012).

Introduced: 12/18/2012

Controlling Body: License & Health Committee

COMMITTEE	RECOMMI	ENDATION _		POF			
ACTION DATE: JAN 2 2 2013	MOVER	SECONDER	Barczak Czaplewski Lajsic May Probst	AYE	NO	PRESENT	EXCUSED
SIGNATURE (TORE MEMBE	Reinke Roadt Sengstock Vitale Weigel TOTAL	5			
Chair COMMON CO		Vice-	Chair	ACE ON	Member 51LE	er	
ACTION DATE: FEB 0 5 2013	MOVER	SECONDER	Barczak Czaplewski Lajsic May Probst Reinke Roadt Sengstock Vitale Weigel	AYE	NO	PRESENT	EXCUSED
	UNANIM	IOUS	TOTAL				

STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL

ADMINISTRATION & FINANCE

PUBLIC WORKS

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic

Chair: James W. Sengstock Vice-Chair: Vincent Vitale

Thomas G. Lajsic Michael P. May Cathleen M. Probst Chair: Gary T. Barczak Vice-Chair: Martin J. Weigel Michael J. Czaplewski Rosalie L. Reinke

Daniel J. Roadt

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

LICENSE & HEALTH

Chair: Michael J. Czaplewski Vice-Chair: Daniel J. Roadt

Gary T. Barczak James W. Sengstock Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke Vice-Chair: Michael P. May Cathleen M. Probst Daniel J. Roadt Vincent Vitale





CITY CLERK/TREASURER'S OFFICE

414/302-8200 or 414/302-8207 (Fax) www.westalliswi.gov Paul M. Ziehler City Admin. Officer, Clerk/Treasurer Monica Schultz Assistant City Clerk Rosemary West Treasurer's Office Supervisor

January 14, 2013

Claudia A. Martorana, Agent Blaine Enterprises, Inc. d/b/a Burnham Bowl 6016 W. Burnham St. West Allis, WI 53219

Dear Ms. Martorano:

The Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, January 22, 2013, at 5:30 P.M., in the Common Council Chambers, West Allis City Hall, 7525 W. Greenfield Ave., regarding an incident, which occurred on October 26, 2012.

A copy of the incident is being sent to your home address.

Sincerely,

Morrisa Schultz

Assistant City Clerk

/amn enclosure

Claudia A. Martorano (home enclosure)



City of West Allis Police Department

Fonce Dep		
	Liquor Establishment Violation	
Date: 10-26-12		
To: Lieutenant Ed B	enish	
From: PTO Primising		
	Violation Type	
☐ Tavern Violation ☐ No Violation but the	Bartender Violation Restauran Incident is Liquor License Related	t Violation Liquor Store
Incident #:	12-009527	□ N/A
Location:	6016 W. Burnham Street	□ N/A
Establishment Name:	Burnham Bowl	□ N/A
Establishment License #:		□ N/A
Establishment Owner:	-	CBT 764 '
Owner Address:	Blaine Enterprises Inc	DH 766
Violation(s): N/	Dunhan Dowl	Basting Alley 964
Offender:	6016 W Bumbar 53219	
Offender Address:		
Offender:	Clardia A Martorano, Ag	CAS
Offender Address:		di N. W
Offender:	1000 \$ 57	Claudiali
Offender Address:	53214	6019 m printagi
Offender:	ALTERNATION AND AND AND AND AND AND AND AND AND AN	A CONTRACTOR OF THE PROPERTY O
Offender Address:		L. L.V.A
Additional Offenders listed	in Incident Report narrative: Yes	No
Reviewed by Command	ling Officer: Capt. Mason	
-	ort Attached to Liquor Laws Violation Repo	rt: X Yes N/A
Commanding Office		_
C		
Reviewed by I	Deputy Chief Jerry Ponzi	

11301 W. Lincoln Avenue West Allis, WI 53227 Telephone: (414)-302-8000 Fax: (414)302-8099 H:VTavern ReportsBurnham Bowl.docx

Copy forwarded to License and Health Committee: Date:

Page 1 of 1

Mason, Brian .

Continuation

Incident Report Number 12-009527

Incident Location:

6016 W Burnham St, West Allis, WI, 53219

Incident Date: 10/26/2012

NAMES

Contact

Martorano, Claudia A W/F-62 of 1000 S 57 St, West Allis, WI, 53214

DOB: 04/01/1950

DL: M636-1015-0621-04

HT: 504 WT: 155

Hair: Brown

Eyes: Blue

Home Phone: (414) 453-8683

Work Phone: (414) 543-7880

NARRATIVE

INITIAL CALL

On 10-26-12 at 2226hrs, officers responded to a physical fight at Burnham Bowl, 6016 W. Burnham St.

OFFICER OBSERVATIONS

As the first squad to arrive on scene, I made the following observations. Initially, I observed approx. 100 people gathered around a group of approx. 12 people actively engaged in a physical altercation. I could see one party in the middle of the group, who may have been getting assaulted; however, upon my approach, a majority of the parties in the area began to disperse in all directions. There were several parties who remained on scene, who were very agitated and screaming at officers. I observed a M/U, who was only wearing spandex "speedo" bottoms, coming towards me and appeared agitated.

CONTACT WITH RUBEN I. BELEZ

The agitated party was later identified as, Ruben I. Belez, M/U 11-09-93, who approached officers in a threatening manner, with his fists clenched and yelling obscenities. Belez was advised to calm down several times and speak with me about what happened, but he continued to scream, flail his arms around, and close the distance on officers in an aggressive manner. I put Belez in an escort hold, but Belez attempted to pull away from me several times and I could feel resistive tension in his forearms. Belez was advised to stop resisting and get on the ground; however, he refused to comply with commands. At this time, I could smell a strong odor of intoxicants on his breath.

At this time, Officer Webster arrived to assist in escorting Belez to the ground. After Belez calmed down, he was allowed to remain in a seated position, while I held his arms behind his back. Belez then became agitated again and started screaming and attempted to stand, despite being told to remain seated. Officer

Reporting Officer(s):	
Primising.	Megan

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Incident Report Number

Incident Location:
6016 W Burnham St, West Allis, WI, 53219

Incident Date: 10/26/2012

French of WMPD arrived and assisted in handcuffing Belez and detaining him inside my squad car. While handcuffed, Belez still persisted in yelling and pulling away from myself and Officer French.

Once inside the squad car, Belez was advised he was not under arrest at this time, but was being detained for his safety and the safety of officers, because of his behavior. Belez was advised that he could be arrested for his resistive conduct with officers. Belez apologized for his behavior and explained he was upset from being assaulted. I asked Belez if he was injured and he stated he had several abrasions to his face, torso and legs, which I observed. Belez was offered an ambulance several times, but declined. Belez then began to explain the circumstances of the altercation.

ON SCENE STATEMENT OF RUBEN I. BELEZ

Belez advised he was at Burnham Bowl for a birthday party, which was hosted by his acquaintance, Ray Zapeta. Belez stated an unrelated physical altercation occurred at the establishment, which led the management to clear out everyone from the party. Belez stated the unknown male party, who was kicking people out, made several unknown comments towards him and stated, "mother fucker" several times. Belez stated he told that party to be more respectful and exchanged words with him briefly.

Upon walking outside the building, Belez stated he was unexpectedly jumped by several unknown parties and hit, kicked, and thrown to the ground. At this time, Belez became very upset and emotional, his demeanor changing significantly. Belez could not describe the offenders, aside from stating one party was 5'6", heavy build, with brown hair and brown eyes. When asked if he could potentially select the offenders from a photo lineup, he stated, "No, I couldn't identify them unless maybe I saw them in person." Belez stated he had never seen the offenders before, but assumed they were people from inside the party, who didn't like him. Belez believed he was assaulted because of the way he was dressed and because of his sexual orientation.

I asked Belez if he wanted to pursue charges in the incident, to which he stated, "No, I know there's not much you guys can do because I have no idea who the [offenders] are." Belez was advised the incident would be documented regardless, to which he stated he understood. Belez was advised of his conduct with officers, to which he stated he understood why officers were forced to physically engage him. He explained he was very upset from the fight and did not immediately realize he was being resistive with officers.

As a result of the circumstances, I made the decision not to take Belez into custody for Resisting an Officer.

WITNESS STATEMENTS

Reporting Officer(s):	ID Number	ID Number	Pages:
Primising, Megan	9872		3 Of 5

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West Allis Police Department Incident Report Number 12-009527 Incident Location: 6016 W Burnham St, West Allis, WI, 53219 Continuation Incident Date: 10/26/2012

See Officer A. Cerqua's Supplemental Report.

See Officer S. Martin's Supplemental Report.

INITIAL DISPOSITION

Since the victim did not wish to pursue a police report of the incident, it was documented as an update, which read as follows:

Officer Primising reports:

On 10-26-12 at 2226hrs, officers responded to a fight at Burnham Bowl, 6016 W. Burnham St. On arriving on scene, I observed approx. 100 people gathered around a group of approx. 12 people actively engaged in a physical altercation. Upon approaching, a majority of the parties dispersed; however, several highly agitated parties remained and were confrontational with officers. One of these parties was Ruben I. Belez, M/U 11-09-93, who claimed to be the victim in the incident, but was highly uncooperative. Belez was detained in my squad car for questioning. Belez stated there was a fight that initiated inside Burnham Bowl, which led management to escort all parties out of the building and into the parking lot. The fight continued and Belez stated as he left, he was jumped by several parties who proceeded to strike, kick, and throw him to the ground. Belez advised he could not identify any of the parties and did not want to pursue a report of the incident. Other witnesses to the incident state Belez instigated the fight by yelling at several people. Belez sustained several lascerations to his face, neck, chest, back and limbs; however, he refused medical attention. No arrests were made, as all offenders fled the scene on officer arrival.

PHONE CONTACT WITH RUBEN I. BELEZ

On 10-29-12, Belez contacted me by phone and advised he learned the names of several of the parties who assaulted him at Burnham Bowl, the evening of 10-26-12. Belez advised he now wished to pursue charges against these parties for assault, stating he felt the incident was a hate crime. I asked Belez if he would be willing to come into the station to speak with me in person, to which he stated he would.

Belez never came into the station to speak with me regarding the incident, so on 10-31-12, I made phone contact with him and advised I needed to speak with him by the end of this week, otherwise the report would be submitted with the information I currently had. Belez advised he would come into the station sometime on Thursday, November 1st.

SUSPECTS

Pagasting Office (a)	ID Number	ID Number	Pages:
Reporting Officer(s):		ID Number	rages.
Primising, Megan	9872		4 Of 5

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Continuation

12-009527

Incident Location:

6016 W Burnham St, West Allis, WI, 53219

Incident Date: 10/26/2012

There are no known suspects in this incident.

TAVERN REPORT

A tavern report was completed and submitted with this incident report.

CASE DISPOSITION

Belez never came in to the station to speak with me regarding this incident. I had to contact Belez several times to arrange meetings between us; however, he did not cooperate. Without a more detailed statement from Belez, there are no suspects in the incident.

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West All	is Police Department		Supplemen	tary Report
Incident Report Number	Incident Location:			Incident Date:
12-009527	6016 W Burnham St,	West Allis, WI,	53219	10/26/2012
New Incident:		Original CFS Code - 1:	New CFS Code -1 :	New CFS Code - 2:

NARRATIVE

Webster reports:

INCIDENT DETAILS

On 10/25/12 at approximately 2226 hrs, officers responded to Burnham Bowl (6016 W. Burnham St.) for a report of a large number of people actively fighting in the parking lot.

OFFICER OBSERVATIONS

On arrival, I observed a large number of people in the parking lot of Burnham Bowl. The scene was chaotic and subjects in the parking lot dispersed upon seeing marked squad cars. I assisted Officer Primising in clearing the parking lot for fights. While canvassing the parking lot, I saw Officer Primising struggling with a male wearing only spandex shorts. I observed the subject actively resisting Officer Primising by pulling away from her as she attempted to direct him to the ground. Due to the subject actively resisting officers (active resistance), the chaotic nature of the scene (overriding concern), and only two officers being on scene at this time (danger), I assisted Officer Primising direct the subject to the ground by placing my right hand on the back of the subject, just below the back of his neck, and pushing him to the ground (passive countermeasure). Officer Primising was able to handcuff the subject after he was stabilized on the ground.

As officers decentralized the subject wearing spandex shorts, I saw a large male to the left of me walk toward me (danger). This male appeared to be approximately 100 pounds heavier than me. Due to my position of disadvantage of kneeling on the ground (special circumstance), the subject's size and apparent strength compared to me (officer/subject factors), the chaotic nature of the scene (overriding concern), and officers being outnumbered at the scene (danger), I drew my electronic control device from my holster and aimed my ECD, with the ECD off, at the subject approaching me. I ordered the subject to get back in a loud and clear voice. The subject immediately stopped upon seeing me draw the ECD and I did not need to turn the ECD on. I then reholstered my ECD and got to my feet after Officer Primising secured the subject.

I then spoke with one female who witnessed the incident.

INITIAL CONTACT WITH RAQUEL M. BERG (WITNESS)

Reporting Officer(s):			Payroll Number:	Payroll Number:	Report Date:
Webster, Kyle			9900		11/01/2012
Reviewed by:	Payroll Number	Сору Та:			
Mason, Brian .	1239			1 0	f 2

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Continuation

Incident Report Number

Incident Location:

6016 W Burnham St, West Allis, WI, 53219

Incident Date: 10/26/2012

Berg said a fight occurred where it appeared one person was fighting four to five people. Berg said the male wearing the black spandex shorts was made fun of "for being gay" throughout the night while inside Burnham Bowl. Berg said an argument started between several people in the middle of the doorway entrance to Burnham Bowl. Berg said the male wearing the spandex shorts was a friend of hers. Berg did not know the other people involved and had no further information.

Reporting Officer(s):
Webster, Kyle

ID Number 9900 ID Number

Pages:

2 Of 2

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West Allis Police Department Incident Report Number 12-009527 New Incident: Original CFS Code - 1: New CFS Code - 2: Supplementary Report Incident Date: 10/26/2012 New CFS Code - 2:

NAMES

Witness

Skaggs, Phillip Gregg II W/M-47 of 6407 W Mitchell St,3, West Allis,WI,53214

DOB: 12/27/1964 DL: S200-6676-4467-02

HT: 600

WT: 160

Hair: Brown

Eyes: Blue

Complexion: Fair

Cell Phone: (414) 552-8535

NARRATIVE

Officer Lentz reports...

INITIAL CALL

On 10/26/12 at 2226 hrs., officers responded to Burnham Bowl, 6061 W. Burnham St., for a trouble call - people fighting in the parking lot. Lt. Nohelty came into the report room and instructed third shift officers to go to assist second shift.

STATEMENT OF PHILLIP G. SKAGGS II - WITNESS

While on scene I spoke with Phillip G. Skaggs II, M/W 12/27/64, who stated he parked his vehicle at the Dinette Showcase parking lot, 1933 S. 60 St. Skaggs was walking to Fiddler's, 6108 W. Burnham St., when a male dressed in a red and black sweatsuit getting beat up in the 6100 block of W. Burnham St. on the south side of the road. Skaggs stated the individual hitting the victim was wearing an orange jumpsuit, which appeared to be a house of corrections type uniform.

During this time, there was another fight in the 6000 block of W. Burnham St. Skaggs stated he watched from the front of Fiddler's, and when police arrived he observed people run from the area.

End of Supplemental Report.

Reporting Officer(s):	Reporting Officer(s):			
Lentz, Shawn		9875		10/31/2012
Reviewed by:	Payroll Number	Сору То:		
Spath, Anthony	1813		1	Of 1

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NAMES

Witness

Parve, Joshua J W/M-31 of 230 S 76 St,1, Milwaukee,WI,53214

DOB: 03/17/1981

Cell Phone: (414) 324-9851

NARRATIVE

INITIAL RESPONSE

On 10/26/12 at approximately 2245hrs, I responded to Burnham Bowl, per Lt. Nohelty, as there was a large group of people fighting in the parking lot of Burnham Bowl. Upon arrival I spoke with Joshua J. Parve (M/W 03/17/87), who had just arrived in the area as he was going to Fiddlers Green.

WITNESS - JOSHUA J. PARVE

Joshua explained he had arrived around 2215hrs on 10/26/12 and noticed a large group of people gathered in the Burnham Bowl parking lot. Joshua said it appeared to be several individuals fighting. Joshua stated he saw a male in a black/orange jail jump suit chasing a male in a black hoody, black hat, and blue jeans. Joshua said the two males were running west on W Burnham St, from the bowling alley parking lot, onto the street, past Fiddlers Green. Joshua stated the male in the black/orange jail jump suit threw a glass bottle at the male in the black hoody, black hat, and blue jeans, while they were running, the glass bottle hit the male being chased, bounced off the male, and hit a vehicle. Joshua said the two parties kept running, and he does not know where they went.

Joshua does not know either party involved in the incident.

Reporting Officer(s):		Payroll Number:	Payroll Number:	Report Date:	
Kaye, Jacob			9904		10/31/2012
Reviewed by:	Payroll Number	Сору То:			
Spath, Anthony	1813			1 0:	f 1

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NAMES

Contact

Morrison, Cane D W/M-15 of 3921 N Humbolt St, Milwaukee, WI, 53202

DOB: 04/07/1997

Home Phone: (414) 239-3010

NARRATIVE

Officer S. Martin reports...

INITIAL RESPONSE

On 10/26/12, I responded to Burnham Bowl, 6016 W Burnham St, for a large fight outside the establishment. Upon arrival, the fight was over, and I assisted with taking statements.

STATEMENT OF CANE D. MORRISON - CONTACT

I spoke to Cane D. Morrison, M/W 04/07/97, who stated he was outside of Burnham Bowl when he realized his cousin, Reuben I. Balez, M/W 11/09/93, was in a fight with several unknown people. Cane went inside of Burnham Bowl, and told other people at the party that Reuben was in a fight. Cane stated he did not know anything else.

Reporting Officer(s):			Payroll Number:	Payroll Number:	Report Date:
Martin, Steven			9895		10/29/2012
Reviewed by:	Payroll Number	Сору Та:			
Mason, Brian .	1239			1 0	f 1

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NAME AND POST OF PERSONS ASSESSED.				

West Allis Police Department | Incident Report Number | Incident Location: | Incident Location: | Incident Date: | 12-009527 | 6016 W Burnham St, West Allis, WI, 53219 | 10/26/2012 | | New Incident: | Original CFS Code - 1: | New CFS Code - 1: | New CFS Code - 2: |

NAMES

Witness

John, John C W/M-20 of 1257 S 35 St, Milwaukee, WI, 53204

DOB: 05/01/1992

Cell Phone: (414) 550-2401

NARRATIVE

PO A. Cerqua reports...

INITIAL CALL

On 10/26/12 at 2226hrs officers responded to a Burnham Bowl, 6016 W. Burnham St., for an unknown amount of people fighting in the parking lot with unknown weapons. Upon arrival, I spoke with John C. John Jr., M/W 05/01/92, who was restrained in handcuffs, regarding the incident.

STATEMENT OF JOHN

John explained it was his cousin's birthday, and they were having a party for him in the hall at Burnham Bowl. John stated one of his cousin's friends, later determined to be Ruben I. Velez, M/W 11/09/93, got into a fight with his other cousin outside in the parking lot of Burnham Bowl. I asked John the name of his cousin that got into a fight with Velez, and he advised he did not know his name.

John stated since they were at a birthday party for one of his relatives, he did not want anyone fighting so he tried to break up the fight between Velez and his cousin. John said he held down Velez to prevent the fight from continuing with his cousin.

John advised the fight ended when police arrived on scene.

Reporting Officer(s):	Payroll Number:	Payroll Number:	Report Date:		
Cerqua, Allison			9653		10/29/2012
Reviewed by:	Payroll Number	Сору То:			
Nohelty, Jeffrey	1983			1 0:	E 1