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City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2013-0148 *Report Request* Introduced

Police Department Report involving Jilly Beans, 9524 W. Greenfield Ave. (2012-2013 Class B Tavern License no. 1701, Dance Hall License no. 1702, and Instrumental Music License no. 1700 of Sportz Medicine, LLC, John J. Biwer, Agent, Incident Date: February 20, 2013).

Introduced: 3/19/2013

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 26 2013			Barczak	✓			
			Czaplewski	✓			
			Lajsic				
			May				
			Probst				
			Reinke				
		✓	Roadt	✓			
			Sengstock	✓			
	✓		Vitale				
			Weigel	✓			
			TOTAL	<u>5</u>	<u>0</u>		<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

[Signature]

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>APR 02 2013</u>	✓		Barczak				✓
			Czaplewski	✓			
			Lajsic	✓			
			May	✓			
			Probst	✓			
			Reinke	✓			
			Roadt	✓			
		✓	Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>9</u>	<u>-</u>		<u>1</u>

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

ADMINISTRATION & FINANCE

Chair: James W. Sengstock
Vice-Chair: Vincent Vitale
Thomas G. Lajsic
Michael P. May
Cathleen M. Probst

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplewski
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. 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

March 20, 2013

John J. Biwer, Agent
Sport Medicine, LLC
d/b/a Jilly Beans
9524 W. Greenfield Ave.
West Allis, WI 53214

Dear Mr. Biwer:

The Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, March 26, 2013, at 6:00 P.M., in the Common Council Chambers, West Allis City Hall, 7525 W. Greenfield Ave., regarding an incident on February 20, 2013.

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

Sincerely,

Monica Schultz
/amn

Monica Schultz
Assistant City Clerk

/amn
enclosure

cc: John J. Biwer (home enclosure)
Mark & Jamie Holbert (no enclosure)



**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 2/21/2013
 To: Lieutenant Ed Benish *JESSICA JOHNSON*
 From: Officer Tuschl

Violation Type

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

Incident #: 13-001530 N/A

Location: 9524 W. Greenfield Ave N/A

Establishment Name: Jilly Beans N/A

Establishment License #: 12-1 N/A

Establishment Owner: John N/A

Owner Address: N/A

Violation(s): Disorderly N/A
 Sell Alcohol N/A
 Allow a person to consume alcohol without a license N/A

Offender: Jas N/A

Offender Address: 14 N/A

Offender: Ra N/A

Offender Address: 24 N/A

Offender: Jo N/A

Offender Address: 500 N/A

Offender: N/A

Offender Address: N/A

*Jilly Beans 9524 Grmfld Ave
 Sportz Medicine LLC
 John J. Biewer, Agent
 CBT 1701
 IM 1700
 DH 1702*

Additional Offenders listed in Incident Report narrative: Yes No

Reviewed by Commanding Officer: *CAPT. RON VERSNIK*

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

Commanding Officer Signature: *Capt. Ron Versnik*



**City of West Allis
Police Department**

Liquor Establishment Violation

Reviewed by Deputy Chief Jerry Ponzi:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Date:

02/20/2013

Incident: **Liquor Laws: Tavern Violatons**

Incident Report Number: 13-001530 Between: Date - Time And/At: Date-Time 2/20/13 00:00

Incident Location: 9524 W Greenfield Ave, West Allis, WI, 53214

CFS Code-1: 4199B CFS Code-2: 5311 CFS Code-3: Offense Code-4:

CFS Code-5: CFS Code-6: CFS Code-7: CFS Code-8:

Name (Last, First, Middle) Rick, Jason R DOB: 01/26/1977 Race/Sex W/M

Address: (Address, City, State, Zip) 14420 Woodrige Cir, Brookfield, WI, 53005 Home Phone Number

Employer Work Phone Number

Employer Address Cell Phone Number (414) 477-8295

Name (Last, First, Middle) Biwer, John J DOB: 11/26/1986 Race/Sex W/M

Address: (Address, City, State, Zip) 5001 S Small Rd, New Berlin, WI, 53151 Home Phone Number (262) 754-4646

Employer Work Phone Number

Employer Address Cell Phone Number (262) 364-8134

CFS Code-1: 4199B

SUMMARY

Officer Tuschl reports...

On 02/20/13 at about 0002hrs I responded to Jilly Beans, located at 9524 W. Greenfield Ave for a male causing problems. Investigation showed a highly intoxicated Jason R. Rick (M/W 01/26/77) was causing a disturbance inside and outside of the tavern. Jason was placed under arrest for Disorderly Conduct and issued a Municipal citation for that offense. He was given a local court date of 03/18/13 at 0830hrs. While investigating this incident it was discovered Rachel C. Tovar (F/W 05/04/84) was bartending without a license. Rachel will be issued a Municipal citation for that offense. Jason was then released from the Police station.

Incident Report Number:

13-001530

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

License Number: State: Expiration Year: Vin: Insurance Company:

Other Vehicle Information: NCIC#

Reporting Officer(s): Tuschl, Robert . Payroll Number: 9590 Payroll Number: Report Date:

Time Received: 00:02:04 Time Cleared: 00:47:04 Unit(s) Assigned: 306, 314, 315, 316, 318 Pages: 1 Of 4

Reviewed by: Versnik, Ronald Payroll Number 1343 Copy To

West Allis Police Department**Continuation**Incident Report Number
13-001530Incident Location:
9524 W Greenfield Ave, West Allis, WI, 53214Incident Date:
02/20/2013**NAMES****Offender**

Tovar, Rachel C W/F-28 of 2459 S 82 St;WA, West Allis,WI,53219
 DOB: 05/04/1984
 Cell Phone:(920) 207-9183

Contact-1

Monigal, Angela M W/F-24 of 2057 S 83 St;WA, West Allis,WI,53219
 DOB: 10/26/1988 DL: M524-0138-8886-06
 HT: 503 WT: 130 Hair: Blonde or Strawberry
 Eyes: Blue
 Home Phone:(262) 844-0996

Witness

Bohmann, Andrew S B/M-34 of 600 E Quail Run, Oak Creek,WI,53154
 DOB: 03/13/1978 DL: B550-0177-8093-08
 HT: 602 WT: 190 Hair: Black
 Eyes: Brown
 Cell Phone:(414) 213-0321 Cell Phone:(414) 702-3916

Contact-2

Arndt, Becky A W/F-30 of 14420 WOODRIDGE CIR, Brookfield,WI,53005
 DOB: 03/29/1982
 Cell Phone:(262) 510-5935

Business

Jilly Bean of 9524 W Greenfield Ave, West Allis,WI,53214
 Work Phone:(414) 453-4330

NARRATIVE

Officer Tuschl reports...

INITIAL RESPONSE

On 02/20/13 at about 0002hrs I responded to Jilly Bean's, located at 9524 W. Greenfield Ave for a male causing problems. I was advised by W.A.P.D Dispatch a male patron in the bar (later determined to be Jason R. Rick) was yelling at a

Reporting Officer(s):
Tuschl, Robert .ID Number
9590

ID Number

Pages:
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West Allis Police Department

Continuation

Incident Report Number 13-001530	Incident Location: 9524 W Greenfield Ave, West Allis, WI, 53214	Incident Date: 02/20/2013
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female and had left the bar. A short time later, Dispatch advised Jason was attempting to get back into the bar and was pulling at the front entrance door to the bar. Due to Jason's behavior the bar staff had to lock the door to prevent him from coming in. Jason was described as a M/W wearing a gray jacket with orange on it and glasses.

When I arrived on scene I observed Jason (who had matched the clothing description provided by the caller) walking E/B on W. Greenfield Ave and approaching S. 92nd St. I stopped Jason and spoke with him about this incident.

ON-SCENE STATEMENT OF JASON R. RICK- OFFENDER

During my interaction with Jason I observed his eyes were red and glassy and could detect a strong odor of intoxicants on his breath.

I asked Jason where he was coming from and he replied "Jilly Bean's" and he was now going to "Wild Bill's". I asked Jason what happened at Jilly Bean's and he denied there was any problems. Jason stated he was there with his girlfriend, "Becky". I explained to Jason how the Police received a phone call about him yelling at a female in a bar and attempting to get back in. Jason again denied there were any problems tonight. I explained to Jason I found it highly unlikely a bar would call the Police Department if there were not any problems. Jason stated there was nothing wrong and then started to ask me "What's going on here, what do you want". I again explained this incident to Jason and he still seemed confused by what I was saying. I again brought up to Jason the allegation that he was yelling at Becky inside the bar (which was observed by the bartender).. Jason stated the bartender was "new" and "did not know him" or Becky.

At this point additional Officers had responded to Jilly Bean's to obtain statements from the parties inside the bar. While waiting to hear back from those Officers, Jason became upset. Jason made multiple comments about how I was wasting my time and that I should be out there trying to catch criminals. In addition, Jason continued to ask me what was going on and what I wanted with him. Jason also told me to "hurry up" several times.

Due to it being extremely cold outside I had Jason wait in the back of my Police squad so he could remain warm (after I conducted a search of him). At one point Jason had used his cell phone and I opened the rear passenger door and asked if him if he was using it. Jason stated "yes" and I told him he could not use it while in the back of the Police squad. I asked Jason to hand me his cell phone until we figured out what was going on with this incident. Jason refused to hand over his cell phone and I had to pry it from his hand.

Eventually, it was determined to place Jason under arrest for Disorderly Conduct for causing a disturbance inside and outside of Jilly Beans. I advised Jason he was under arrest for Disorderly Conduct and placed him in handcuffs. As I was about to leave the scene I was asked by the other Officers inside the tavern if

Reporting Officer(s): Tuschl, Robert .	ID Number 9590	ID Number	Pages: 3 Of 4
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West Allis Police Department

Continuation

Incident Report Number
13-001530Incident Location:
9524 W Greenfield Ave, West Allis, WI, 53214Incident Date:
02/20/2013

Jason would allow Becky to have the keys to their residence. Jason agreed to this and I grabbed his keys and turned them over to Sgt Corwin. I asked Jason to sit down but he continued his belligerent behavior with me and would not do so. Based upon his uncooperative behavior I placed both of my hands ontop of his shoulders and pushed him down into the Police squad. I then transported him back to the Police station without further incident.

ISSUANCE OF ADDITIONAL MUNICIPAL CITATIONS

I was advised by Officer Kuhnmuensch that while he was investigating this incident the bartender on duty, Rachael C. Tovar, did not posses a valid bartending license through the city of West Allis. In addition, there was no one inside Jilly Bean's that had a valid bartender's license. Eventually bar manager, Angela M. Monigal, responded to the bar and had a valid bartender's license through city of West Allis. *(Please refer to Officer Kuhnmuensch's supplement report for additional information on this matter)*

Based upon these reasons I issued the following Municipal citation's;

Municipal citation# M-99959 to Rachael C. Tovar for Sell Alcoholic Beverage without Class A License. She was given a local court date of 03/18/13 at 0830hrs. The citation was mailed to her last known address, 2459 S. 82nd St.

In addition, based upon Rachael not possessing a valid bartender's license; I issued the listed owner/agent, John J. Biber, a Municipal citation for Allow an unlicensed person to operate a licensed premises w/o a licensed person on the premise. John was issued Municipal citation# M-99960 and he was given a local court date of 03/18/13 at 0830hrs. I made phone contact with John and advised him of this incident. John stated he understood and had no further questions for me.

PROCESSING

Jason was booked, mugged and fingerprinted under Booking# 13-000790 and W.A.P.D# 57535 for Disorderly Conduct.

CASE DISPOSITION

Jason was issued a Municipal citation for Disorderly Conduct and given a local court date of 03/18/13 at 0830hrs. Jason was then released from the Police Station.

Please see supplement reports from additional Officers on this incident.

A Tavern report was completed and turned into the C.O.

Reporting Officer(s):
Tuschl, Robert .ID Number
9590

ID Number

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West Allis Police Department

Supplementary Report

Incident Report Number 13-001530	Incident Location: 9524 W Greenfield Ave, West Allis, WI, 53214	Incident Date: 02/20/2013
New Incident:	Original CFS Code - 1: 4199B	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

INITIAL CALL

Officer Mathy reports...

On 02/20/13 at approximately 0002hrs, I responded to Jilly Beans bar (9524 W. Greenfield Ave.) for a trouble call. Dispatch advised that a male party was cursing, yelling, and causing a disturbance outside the bar. Upon arrival the offender, Jason R. Rick M/W 01/26/77, left the scene, however, Officer Tuschl located Rick in the area.

STATEMENT- BECKY A. ARNDT (WITNESS)

Upon arrival to Jilly Beans, I made contact with Rick's live in girlfriend, Becky A. Arndt F/W 03/29/82. I asked Arndt to explain what happened. Arndt stated she arrived at Jilly Beans with Rick earlier in the evening. Arndt said Rick became belligerent as he became more intoxicated. Rick began to call Arndt a "Whore" and a "Bitch". Arndt said that based on Rick's behavior, the bartender, Rachel C. Tovar F/W 05/04/84, told Rick he had to leave. Rick responded by becoming more belligerent and began to curse and yell at the bartender.

Arndt could not recall what Rick specifically said, however, she agreed that his behavior caused a disturbance in the bar. I asked Arndt if Rick pushed or hit anyone while he was inside the bar and she said he did not. Furthermore, Arndt said that she was not fearful of her safety and that she was not threatened during the confrontation. Arndt also said that Rick did not break any property during the confrontation. Arndt did not want to answer any other questions pertaining to the incident and requested to leave the bar.

Based on Arndt's statement, as well as the other witness statements gathered on scene, it was determined that no domestic violence violations occurred between Arndt and Rick. After obtaining Arndt's statement I gave her a courtesy ride to her residence.

Reporting Officer(s): Mathy, Joseph T.	Payroll Number: 9830	Payroll Number:	Report Date: 02/21/2013
Reviewed by: Versnik, Ronald	Payroll Number 1343	Copy To:	1 Of 1

West Allis Police Department

Supplementary Report

Incident Report Number 13-001530	Incident Location: 9524 W Greenfield Ave, West Allis, WI, 53214	Incident Date: 02/20/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Pto Kuhnmuensch, 02/20/13, 0002hrs...

Initial Call:

Officers were dispatched to 9524 W Greenfield Ave (Jilly Beans) for a trouble call. Dispatch advised there was a male and female arguing inside of the bar. Enroute to the call dispatch further advised the male had left the bar and they subsequently locked him out. I responded to the bar and made contact with the only bartender on duty.

On Scene Statement of Rachael C Tovar F/W 05/04/84:

I entered the bar and asked the bartender for her ID and bartender's license. The bartender provided a WI DL identifying her as Rachael C Tovar F/W 05/04/84. Tovar stated she had applied for her bartender's license, but had not received it yet. Tovar explained she had called city hall earlier in the day, but was unable to speak with the individual in charge of licensing. I asked Tovar if anyone on scene had a bartender's license and she replied, "No". I advised Tovar not to serve anyone else and to call a licensed bartender to avoid having the bar shut down. Tovar made a phone call and advised someone would be there shortly.

I then asked Tovar to explain what happened. Tovar said that Rick and Arndt arrived at the tavern approx. one hour prior. Tovar thought that Rick had been drinking before he arrived, but thought Arndt appeared sober. Tovar stated that Rick and Arndt split two pitchers of beer while they were at Jilly Beans. Tovar explained at some point Rick began to argue with Arndt. Tovar did not know exactly what was said, but added that it was beginning to disturb the other patrons. Tovar said Rick began asking Arndt who she was talking to on the phone and became more confrontational. Tovar stated a short time later Arndt got up to use the bathroom and Arndt attempted to follow her into the ladies room. Tovar said Rick loudly called Arndt a "Whore" and accused her of cheating on him.

Tovar explained several customers tried to calm Rick down and told him to relax. Tovar stated Rick became increasingly angry and began yelling at Arndt to stick up for him. Tovar said Arndt began crying and appeared extremely scared. Tovar stated she asked Arndt if she was OK and she stated she was not. Tovar said a short time later she instructed Rick to leave due to his inappropriate and disruptive behavior. Tovar stated Rick then directed his anger towards her and began calling her a "Dike". Tovar explained Rick was calling her a "Dike" because he overheard her talking about her lifestyle.

Reporting Officer(s): Kuhnmuensch, Steven R.	Payroll Number: 9688	Payroll Number:	Report Date: 02/20/2013
Reviewed by: Versnik, Ronald	Payroll Number 1343	Copy To:	1 Of 2

West Allis Police Department

Continuation

Incident Report Number

13-001530

Incident Location:

9524 W Greenfield Ave, West Allis, WI, 53214

Incident Date:

02/20/2013

Tovar said Rick and Arndt left a short time later and Rick began yelling outside of the bar.

Tovar stated several patrons walked outside in an attempt to calm Rick down. Tovar explained the yelling continued and Arndt walked back into the bar. Tovar said the yelling continued and eventually the patrons came back inside of the bar and locked the doors. Tovar stated Rick began pounding on the door and she then called the police. Tovar said Arndt was very upset during the incident and crying. Tovar felt Rick's behavior was unacceptable and that is why she called the police.

Tavern Check:

I advised Tovar that she would be receiving a ticket in the mail for not having a valid bartender's license. I then checked the license (#12-0001701) for the business, which was issued to Agent John J Bower, valid thru 06/30/13. Licensed bartender (#13-505) Angela M Monigal F/W 10/26/88 arrived on scene and supervised Tovar.

Reporting Officer(s):

Kuhnmuensch, Steven R.

ID Number

9688

ID Number

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West Allis Police Department

Supplementary Report

Incident Report Number 13-001530	Incident Location: 9524 W Greenfield Ave, West Allis, WI, 53214	Incident Date: 02/20/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1: New CFS Code - 2:

NARRATIVE

Officer Cato reports...

INITIAL COMPLAINT

On 2/20/13 at 0002hrs, officers were dispatched to Jilly Beans Tavern 9524 W. Greenfield Ave for a disorderly conduct complaint. I assisted Officer Tuschl in the investigation by speaking with Andrew S. Bohmann about the incident.

STATEMENT OF ANDREW S. BOHMANN (WITNESS/CONTACT)

Andrew Bohmann stated this was his first time at Jilly Beans. He arrived approximately 45 minutes ago to join friends for some drinks. When he arrived Jason R. Rick and Rachel C. Tovar were already in the tavern. Bohmann explained they were arguing the entire time he was there. Jason became more upset, belligerent and argumentative with Rachel as time past. Bohmann stated Jason was face to face with Rachel at one point and he had seen and heard enough. Bohmann asked Jason to keep their noise level down because other people were in the tavern and his behavior was causing a disturbance.

Jason told Bohmann to say whatever he had to say to his face. Bohmann got up from his seat and confronted Jason. He requested that Jason calm down and asked him to keep the noise down. Jason asked Bohmann if he ever dated a "Crazy Bitch" before. Bohmann replied, "No." Bohmann stated Rachel was crying and visibly upset with the situation. Jason and Rachel decided to leave the tavern, as Bohmann, his friends, and others sat in the tavern. They decided to step outside to see if everything was okay, because Bohmann felt Rachel could be harmed.

Once outside the tavern, Jason and Rachel continued their argument. Bohmann separated them, and spoke with Jason again about his behavior. Rachel was taken back in the tavern. Bohmann locked the tavern doors. Jason pulled and pounded on both westside doors. He refused to leave without Rachel. The police were called because they felt Jason's behavior was disorderly and he would continue to behave in that manner until police arrived on scene.

Bohmann stated Jason never threaten Rachel but his overall behavior concerned him. Bohmann felt Rachel would be harmed if she went home with him. Bohmann believes Jason should be arrested for his actions tonight.

Reporting Officer(s): Cato, James .	Payroll Number: 9469	Payroll Number:	Report Date: 02/20/2013
Reviewed by: Spath, Anthony	Payroll Number 1813	Copy To:	1 Of 1

