

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

**In the Matter of the
Complaint Against**

SUMMONS

**Lele's Whiskey Corner, LLC
d/b/a Remedy Bar,
Erwin Magritz, licensing agent.**

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

**THE WEST ALLIS COMMON COUNCIL TO ERWIN MAGRITZ, Agent for Lele's
Whiskey Corner, LLC:**

You are hereby notified that a sworn complaint, a copy of which is attached, has been duly made and filed, requesting a hearing on the suspension or revocation, or non-renewal of your 2019-2020 combination Class B intoxicating liquor and fermented malt beverage license, number 19-1733, pursuant to the provisions of §§ 125.12, 125.12(2(ag)1 and 2, 125.68(8)(2), 125.69(6)(a), Wis. Stat. and § 9.02 of the West Allis Revised Municipal Code.

NOW THEREFORE, you, Erwin Magritz, are hereby summoned to appear before the License and Health Committee of the West Allis Common Council in Room 128 of the West Allis City Hall, 7525 West Greenfield Avenue, West Allis, Wisconsin, on December 17, 2019, at 7:00 p.m., or as soon thereafter as this matter can be heard for the recess meeting, to admit or deny the allegations in the complaint. You may be represented by counsel on this date.

In the case of your failure to appear as required by this summons, the allegations in the complaint against you shall be taken as true and, if the License and Health Committee of the 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 10th day of December, 2019.

WEST ALLIS COMMON COUNCIL

By: _____


Steven Braatz, City Clerk

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

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COMPLAINT

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d/b/a Remedy Bar,
Erwin Magritz, licensing agent.**

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

Michael Czaplewski, Alderperson for the First District of West Allis and Chair of the West Allis License and Health Committee, being duly sworn, on oath deposes and states as a complaint against Lele’s Whiskey Corner, LLC, as follows:

1. That the complainant is a resident of the City of West Allis.
2. That this complaint is based upon information and belief established by the complainant’s review of official records maintained by the City of West Allis and the City of West Allis Police Department, (hereafter “WAPD”).
3. That Lele’s Whiskey Corner, LLC is the current holder of a 2019-2020 combination Class B intoxicating liquor and fermented malt beverage license, number 19-1733, issued by the West Allis Common Council for the license period beginning July 1, 2019 through June 30, 2020 for the premises located at 1309 S. 60th Street, West Allis, Wisconsin; and does business under the trade name “Remedy Bar.”
4. That prior to the current license, Lele’s Whiskey Corner also had a combination Class B intoxicating and fermented malt beverage license for the premises located at 1309

- S. 60th Street, West Allis, Wisconsin, under license number 18-1733 for the period beginning on July 1, 2018 through June 30, 2019.
5. That Erwin Magritz is listed as the agent for Lele's Whiskey Corner LLC on both the 2018-2019 License and the 2019-2020 License.
 6. That official West Allis Police Department, hereafter "WAPD," records indicate that on or about May 27, 2018 West Allis Police Officers were called to investigate a disorderly conduct complaint associated with Erwin Magritz. During this investigation, Officer Kevin Schmidt spoke Dana Brycki and Heather Crisp.
 7. Dana Brycki reported to Officer Schmidt that on or about May 27th, 2018, she had worked at Remedy Bar located at 1309 S. 60th Street located in West Allis, Wisconsin. She reported that there had been increased hostility from Erwin Magritz recently and that she went into the tavern to pick up her items from the safe. Dana Brycki reported that Erwin shouted obscenities at Dana while at the bar and then fired Dana. Dana Brycki reported that Erwin Magritz then called her several times throughout the day and continued to shout at her over the phone. Later in the evening, Dana Brycki reported to Officer Schmidt that she received a phone call from Heather Crisp warning her that Erwin Magritz was threatening to shoot Dana.
 8. Heather Crisp reported to Officer Schmidt that she was with Erwin Magritz when he stated he would get a shotgun and shoot Dana Brycki. Heather Crisp further told Officer Schmidt that he was going to purposefully ram into Heather while she was driving.
 9. Officer Schmidt then made contact with Erwin Magritz who was initially highly argumentative. Erwin Magritz reported that that there was an argument at the Remedy

Bar earlier in the day because Dana Brycki brought an unwanted person into the bar. Erwin Magritz stated that during the argument he may have mentioned crashing Dana's vehicle but adamantly denied stating he was going to shoot anyone.

10. Erwin Magritz was issued a disorderly conduct citation for the above referenced conduct and was found guilty of the disorderly conduct citation after a trial in municipal court on September 19, 2018.
11. That official WAPD, records indicate that on July 19, 2019 West Allis Police Officers investigated the Remedy Bar located at 1309 S. 60th Street regarding a complaint about the owner and agent, Erwin Magritz refilling liquor bottles. West Allis Police Officer Kevyn Mussatti spoke with two different persons who were at the time, or recently associated with the bar, identified as Amber Wilhelm and Dana Brycki. Dana Brycki was the on duty bartender at the location and informed Officer Mussatti that the bar owner, Erwin Magritz, uses funnels to refill liquor bottles and had observed him refill bottles "many times." Officer Mussatti located several funnels inside the business.
12. Officer Mussatti also discovered bottles of alcohol stored in lower cabinets of the bar to include 1.75 liter bottles which were reported to be used to refill smaller bottles on the bar. Officer Mussatti observed 1.75 L bottles of Crown Royal Apple, Jack Daniel Tennessee Fire, Malibu Coconut, Malibu Mango, Grey Goose Vodka, Jägermeister, and two bottles of UV Blue Raspberry. All bottles were partially empty and were all seized.
13. That related to the July 19, 2019 investigation, Officer Mussatti spoke with owner and agent Erwin Magritz. Erwin denied refilling bottles but admitted that he

purchased some of the bottles from nearby businesses or liquor stores and not from a wholesaler.

14. That on October 2, 2019 Erwin Magritz was found guilty via a stipulation on Citation 1S804K13N5, a liquor law violation to which he admitted to purchasing liquor from a non-wholesaler.

15. That based on the incidents referenced in this compliant, Lele's Whiskey Corner LLC, by agent Erwin Magritz has violated Wis. Stat. Sec. 125.69(6)(a) for the licensee purchasing intoxicating liquor from someone other than a wholesaler and Wis. Stat. Sec. 125.68(8)2 for refilling original containers used for intoxicating liquor. These offenses are grounds for revocation or suspension pursuant to Wis. Stat. Sec. 125.12(2)(ag)1 because the establishment has violated Chapter 125 of the Wisconsin Code.

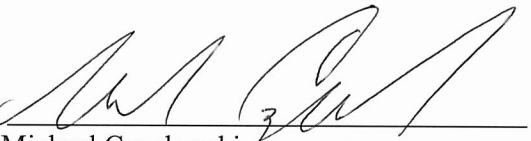
16. Further, Lele's Whiskey Corner LLC is in violation of Wis. Stat. Sec. 125.12(2)(ag)2 because Erwin Magritz maintains a disorderly premises and has, himself, engaged in conduct that promotes disorder and indecent behavior within the licensed premises.

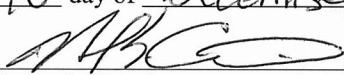
17. That the preceding violations are grounds for suspension or revocation of Lele's Whiskey Corner LLC's 2019-2020 Class B Intoxicating Liquor and Class "B" Fermented Malt Beverage License number 19-1733.

WHEREFORE, Alderperson Michael Czaplewski requests that Lele's Whiskey Corner LLC, by agent Erwin Magritz, 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 permits and licenses

possessed by Lele's Whiskey Corner LLC, by agent Erwin Magritz, should be revoked or suspended.

Dated this 10 day of DEC, 2019.

By: 
Michael Czaplewski
Aldersperson for the First District
License and Health Committee Chair
City of West Allis

Subscribed and sworn to before me
this 10 day of December

(Nicholas S. Cerwin Perman
Notary Public, State of Wisconsin
My Commission expires: Permanent

