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City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2013-0461	Report	Introduced
Police Department Report involving Flappers, 7527 W. Becher St License no. 797 of Rodeo Grill, LLC, Mark S. Silber, Agent, Inci		
Introduced: 8/6/2013		Controlling Body: L

Committee
L+H 8.27.13
add Sengstock excused

COMMITTEE RECOMMENDATION

POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG 27 2013</u>		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Lajsic				
			May				
			Probst				
			Reinke				
			Roadt		<input checked="" type="checkbox"/>		
			Sengstock				<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>		Vitale			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>4</u>	<u>0</u>		<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

[Signature]

Chair Vice-Chair Member

COMMON COUNCIL ACTION

place in file

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>SEP 03 2013</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Lajsic				<input checked="" type="checkbox"/>
			May	<input checked="" type="checkbox"/>			
			Probst	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
		Weigel	<input checked="" type="checkbox"/>				
			TOTAL	<u>9</u>	<u>-</u>		<u>1</u>

unanimous

**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

August 16, 2013

Mr. Mark Silber
Rodeo Grill, LLC
d/b/a Flappers
7527 W. Becher Ave.
West Allis, WI 53219

Dear Mr. Silber:

The Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, August 27, 2013, at 6:00 PM, in the Common Council Chambers, West Allis City Hall, 7525 W. Greenfield Ave., regarding an incident, which occurred on June 9, 2013.

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

Sincerely,

Monica Schultz
amn

Monica Schultz
Assistant City Clerk

/amn

cc: Mark S. Silber (home enclosure)
SARS Property Holdings, LLC (no enclosure)

2013-0461

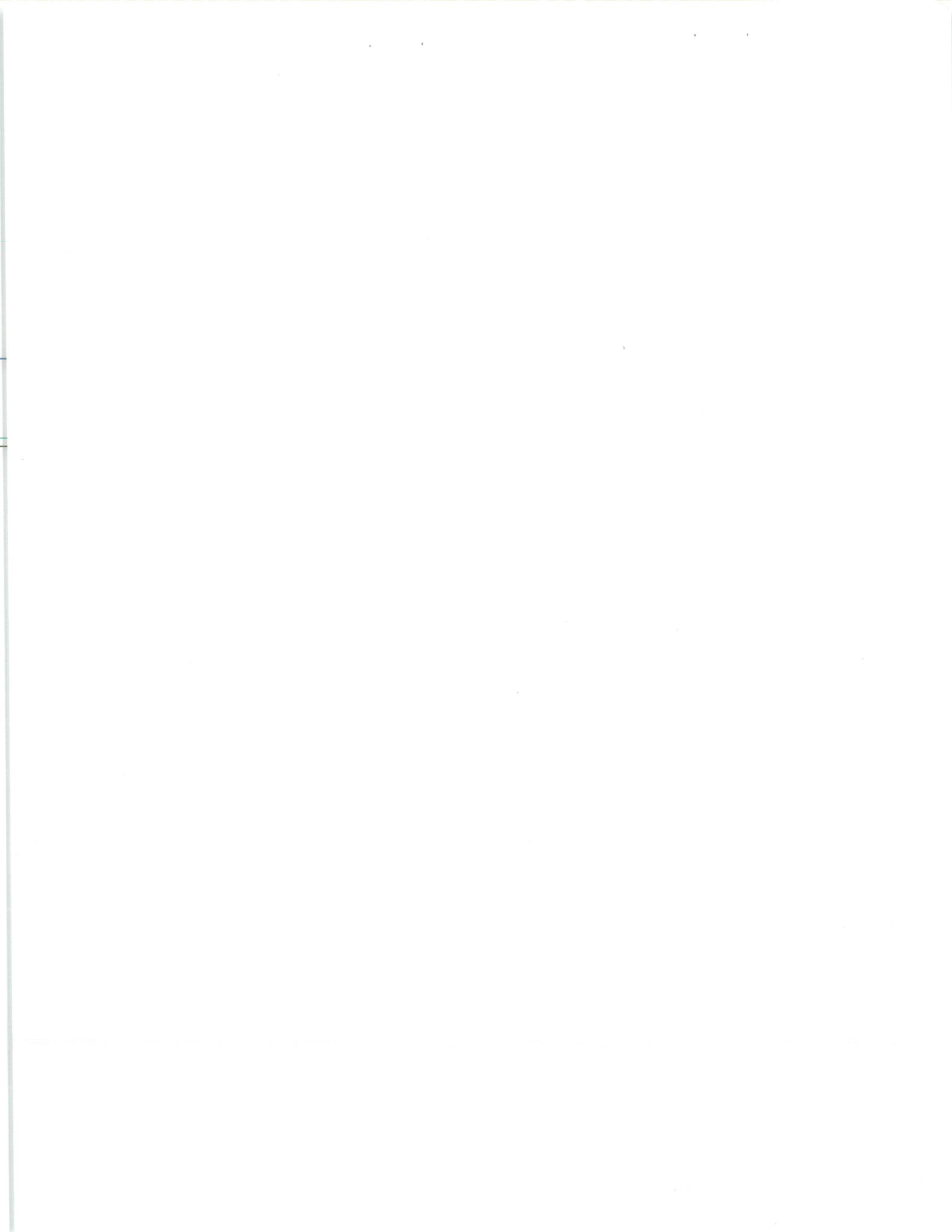
VIOLATIONS/CALLS FOR SERVICE

7527 W. Becher St., Flapper's, Mark S. Silber, Agent
Rodeo Grill, LLC

<u>Final Action Date</u>	<u>File Number</u>	<u>Jacket Number</u>
	2013-0461	
06-05-12	2012-0152	24
12-20-11	2011-0722	42
12-06-11	2011-0665 (2 incidents)	31
10-18-11	2011-0607	27
09-20-11	2011-0559	53
10-04-11	2011-0508	11
08-02-11	2011-0447	96
08-02-11	2011-0433	104
06-07-11	2011-0307	107
07-06-10	2010-0392	73
04-06-10	2010-0140	14
12-15-09	2009-0732	56
11-03-09	2009-0599	73
09-01-09	2009-0538	72
06-03-08	2008-0247	28
10-18-05	2005-0705	50

Niehoff Restaurants, Inc., Robert C. Niehoff, Jr., Agent, d/b/a Becher Street Bar & Grill
10-07-03 2002-0258 67

Prior to Legistar
Nothing





**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 6/9/2013
 To: Lieutenant ~~Ed Benish~~ *JESSICA JOHNSON*
 From: Officer D. Schneider

Violation Type

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

Incident #: 13-005101 N/A

Location: 7527 W Becher St. N/A

Establishment Name: Flappers N/A

Establishment License #: N/A

Establishment Owner: N/A

Owner Address: N/A

Violation(s): Disorderly Conduct / Hindering N/A

Offender: Leah B. Janke N/A

Offender Address: 1943 S 75th St. West Allis WI 53219 N/A

Offender: Nicholas J. Damato N/A

Offender Address: 7338 W. Beloit Rd. West Allis WI 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 R. Versnik

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

Commanding Officer Signature: *Capt. Ron Versnik*

Reviewed by Deputy Chief Jerry Ponzi:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Date: 06/12/2013

Incident: Disorderly Conduct

Incident Report Number: 13-005101	Between: Date - Time 6/9/13 01:30	And/At: Date-Time 6/9/13 01:35
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Incident Location: 7527 W Becher St;WA, West Allis, WI, 53219

CFS Code-1: 5311	CFS Code-2: 4899	CFS Code-3:	Offense Code-4:
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CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:
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O	Name (Last, First, Middle) Janke, Leah B	DOB: 10/14/1983	Race/Sex W/F
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Address: (Address, City, State, Zip) 1943 S 75TH ST, WEST ALLIS, WI, 53219	Home Phone Number
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Employer	Work Phone Number (262) 703-5000
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Employer Address	Cell Phone Number (414) 573-4221
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O	Name (Last, First, Middle) Damato, Nicholas John	DOB: 07/11/1987	Race/Sex W/M
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Address: (Address, City, State, Zip) 7338 W BELOIT RD;WA, WEST ALLIS, WI, 53219	Home Phone Number
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Employer	Work Phone Number
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Employer Address	Cell Phone Number (414) 303-5717
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SUMMARY

Disorderly Conduct / Hindering: On 06/09/2013 at 0135hrs, I observed a female shouting and swearing at another male outside of Flappers, 7527 W. Becher St. I approached the bar and made contact with a female later identified as Leah B. Janke F/W 10/14/83. While I was speaking with Janke another male, later identified as Nicholas Damato 07/11/87, continually interrupted my investigation saying, "Nothing happened." Damato was told to step away several times but refused. Damato was placed under arrest for Hindering. It was determined Janke had threatened a male outside of the bar and was also arrested for Disorderly Conduct. Both parties were transported to WAPD, were booked cited and released.

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

License Number:	State:	Expiration Year:	Vin:	Insurance Company:
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Other Vehicle Information:	NCIC#
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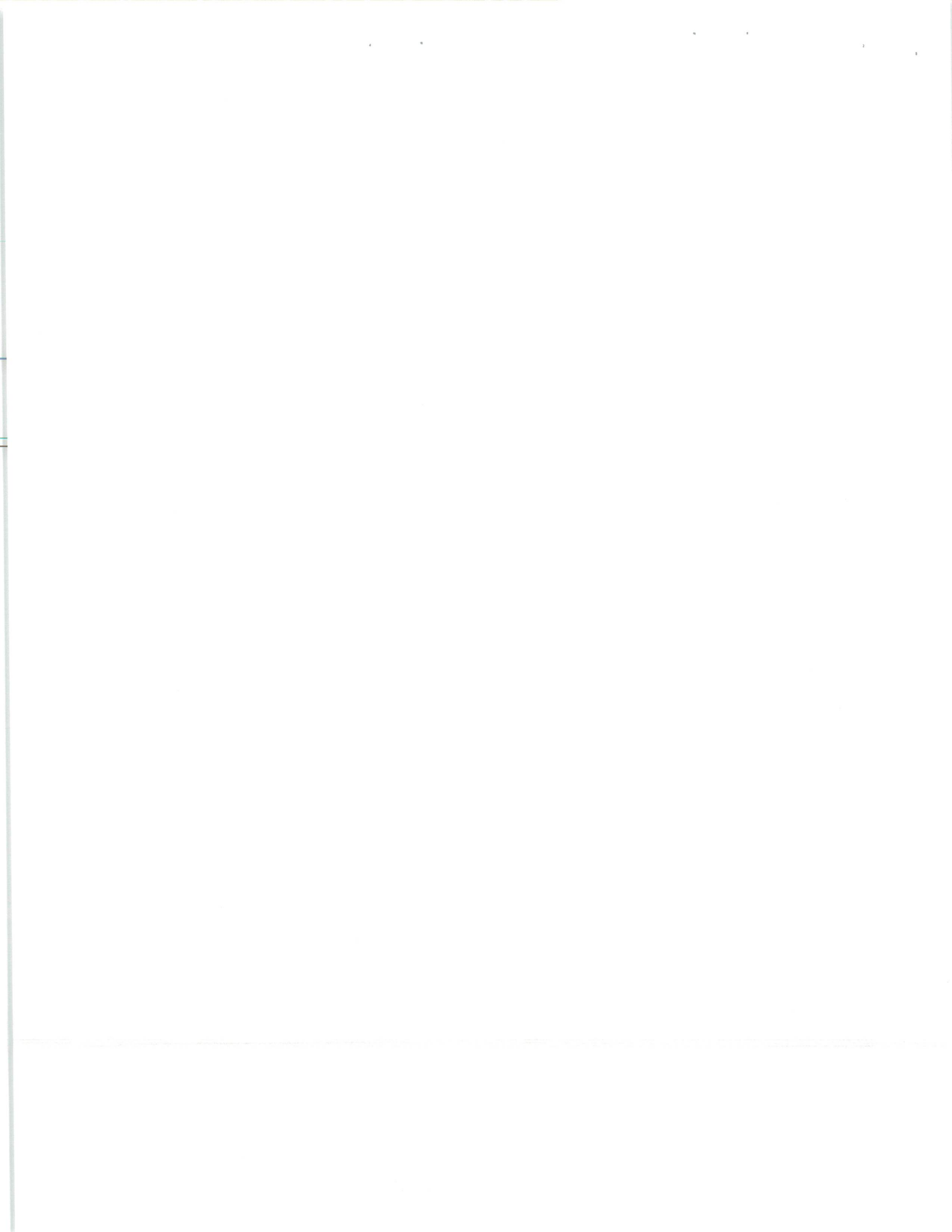
Reporting Officer(s): Schneider, Druscilla	Payroll Number: 9823	Payroll Number:	Report Date:
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Time Received: 01:35:56	Time Cleared: 01:47:22	Unit(s) Assigned: 311, 312, 313, 314, 322T	Pages: 1 Of 3
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Reviewed by: Manz, Tracy	Payroll Number 9656	Copy To
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CFS Code-1: 5311

Incident Report Number: 13-005101



West Allis Police Department

Continuation

Incident Report Number 13-005101	Incident Location: 7527 W Becher St;WA, West Allis, WI, 53219	Incident Date: 06/09/2013
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NAMES

Victim

Jelen, Andrew M W/M-35 of 285 E Field Stome Cir, Oak Creek,WI,53154
 DOB: 12/29/1977
 Cell Phone:(414) 807-5407

NARRATIVE

Officer Schneider Reports:

INITIAL CALL FOR SERVICE

On 06/09/2013, at approximately 0135hrs, I was on routine patrol in a fully marked City of West Allis Police Patrol vehicle. I was traveling south on S. 76 St. at W. Becher St, stopped at a red light. While I stopped, I observed crowd of people standing outside of the bar Flappers, 7527 W. Becher St.

OFFICER OBSERVATIONS

I observed a female, later identified as Leah B. Janke F/W 10/14/1983, yelling and flaying her arms. I heard Janke shout at another male party, "Fuck you!" She then shouted, "I'm going to fuck you up," waving a hand at him. I activated my emergency lights and pulled in front of the bar. As I pulled in front of the bar, I observed Janke put down the top to a cigarette dispenser and try to walk away from me. I told Janke to stop walking several times but she continued on as if she did not see or hear me. I walked up to Janke and grabbed her by the arm to stop her.

ON SCENE CONTACT WITH LEAH JANKE / HINDERING (DAMATO)

I asked Janke why she was walking away and she stated, "I wasn't doing that." I asked Janke what just happened and she responded, "Nothing happened." I told her I just observed her yelling outside of the bar and she stated, "No you didn't."

As I was speaking with Janke, a white male, later identified as Nicholas J. Damato M/W 07/11/1987, walked up and stated, ' Nothing happened." I told Damato to be quiet. I tried to continue speaking with Janke but Damato cut in again and stated, "Your wasting your time nothing happened." I told Damato to walk away and have a seat. Damato took two steps away from us turned around and asked, "Is she being detained or under arrest?" I responded "excuse me" and he asked again is she being detained or under arrest. I responded that she is being detained right now.

Reporting Officer(s): Schneider, Druscilla	ID Number 9823	ID Number	Pages: 2 Of 3
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West Allis Police Department

Continuation

Incident Report Number
13-005101

Incident Location:
7527 W Becher St;WA, West Allis, WI, 53219

Incident Date:
06/09/2013

Damato turned to Janke and said, "Walk away."

I told Janke she is not free to go and I need to ask her more questions. Damato continued talking and shouted, "This is bullshit, nothing happened." I told Damato he needed to either leave or be quiet. Damato did neither and continued to interrupt me. I told Damato if he did not stop I would arrest him. I asked Damato if he wanted to be arrested and he responded, "For what?" I stated "disorderly conduct". Damato then responded, "Go ahead."

At this point I placed Damato under arrest for DC/Hindering. As I was placing Damato in the rear of my squad I observed Janke attempting to walk away. I told the next Officers on scene to stop her. Damato asked several times why he was being arrested and stated, "This is bullshit." Damato was intoxicated and argumentative.

TRANSPORT OF DAMATO

Based on Damato's argumentative behavior, I did not place a seatbelt on him. Damato was yelling and shouting the entire way back to WAPD.

ARREST / BOOKING INFORMATION

Nicholas Damato was placed under arrest for Hindering. He was issued a citation and was released.

Based on a witness statement and my observations, Leah Janke was taken into custody for Disorderly Conduct. Janke was transported to WAPD booked, cited and released. For more information see Officer Iskandarani's supplement for details.

Note: I forgot to give Damato his license back and it was mailed to his residence.

CASE DISPOSITION

Nicholas Damato was arrested for Hindering and Leah Janke was arrested for disorderly Conduct. Both parties were issued a copy of their citations and released.

Reporting Officer(s):
Schneider, Druscilla

ID Number
9823

ID Number

Pages:
3 Of 3

West Allis Police Department

Supplementary Report

Incident Report Number 13-005101	Incident Location: 7527 W Becher St;WA, West Allis, WI, 53219	Incident Date 06/09/2013
New Incident	Original CFS Code - 1:	New CFS Code - 1: New CFS Code - 2:

NARRATIVE

INITIAL RESPONSE / OBSERVATION

On 06/09/2013 at approx 0130hrs, officers responded to 7527 W Becher St to assist officer Schneider with an investigation outside of Flappers Bar. Upon arrival, officer Schneider advised me to place a female later identified as Leah B Janke F/W 10/14/1983 under arrest for disorderly conduct. I began issuing Janke commands to stop and speak with me as she was walking E/B on W Becher St away from myself and the other officers. As Janke continued to walk away I grabbed her arm and told her that she was under arrest. Janke stated that she didn't do anything, she was not drinking, and that there was no reason she should be under arrest. While Janke was in the back of my squad, I could smell a strong odor of intoxicants emanating from her person and her speech was slurred.

TRANSPORT TO WAPD

Before leaving Flappers Bar. Janke was demanding her phone so she could call Sheriff David Clark. I advised Janke that she would be able to contact anyone she wanted following the booking process. I then transported Janke back to WAPD.

BOOKING / CITATION ISSUANCE

While in the booking room of WAPD, Janke had significant mood changes ranging from being somewhat cooperative to crying uncontrollably. Janke stated that officers were "being mean" and "making fun of her". I attempted to calm Janke down, but was unsuccessful. Janke then started to hold her hands up in the air for no apparent reason. Janke continued crying uncontrollably and was worried about her prescription medications. Janke was printed and booked under booking number 13-002647 and issued municipal citation #M130026471 for disorderly conduct. Janke was assigned a local court date of 07/08/2013 at 0830hrs.

RELEASE

Following the booking process, I provided her with all her documentation regarding her citation and court date. I then walked her out of the booking room and into the front lobby of WAPD. While Jenke was leaving the lobby, she was screaming to officers, "suck my dick".

END OF SUPPLEMENTARY REPORT

Reporting Officer(s): Iskandarani, Alexander	Payroll Number: 9965	Payroll Number:	Report Date: 06/09/2013
Reviewed by: Versnik, Ronald	Payroll Number: 1343	Copy To:	1 Of 1

West Allis Police Department

Supplementary Report

Incident Report Number 13-005101	Incident Location: 7527 W Becher St;WA, West Allis, WI, 53219	Incident Date: 06/09/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1: New CFS Code - 2:

NAMES

Victim

Jelen, Andrew M W/M-35 of 285 E Field Stome Cir, Oak Creek, WI, 53154
 DOB: 12/29/1977
 Cell Phone: (414) 807-5407

NARRATIVE

Officer Agor reports...

INITIAL CALL

On 06-09-13 at 0135 hours, officers responded to Flapper's located at 7527 W. Becher St., for a disorderly conduct call. Upon my arrival, I observed one white male, later identified as Nicholas J. Damato, being placed in the back of one squad car and one white female, later identified as Leah B. Janke, being placed in the back of another squad car. I made contact with Andrew M. Jelen (M/W 12-29-77) just outside of the establishment.

ON SCENE STATEMENT OF ANDREW M. JELEN (VICTIM)

Andrew reported while he was outside of the bar smoking a cigarette he received from a friend, a white female he had never met, later identified as Leah B. Janke, walked up to him and asked if she could have a cigarette. Andrew stated he told Leah he did not have another cigarette available to give her. Andrew said Leah walked away, grabbed the top off the plastic cigarette dispenser located in front of the bar and began swinging it at him. Andrew informed me he placed his arms up to protect himself and told Leah to "chill out", but she continued to swing the cigarette dispenser at him, striking his arms approximately two to three times. I asked Andrew if he said anything to Leah to provoke her. Andrew stated the only thing he told her was he did not have a cigarette he could give to her. Andrew added he initially thought Leah was joking when she picked up the cigarette dispenser, until he was struck by it. Andrew said he never gave Leah permission to strike him with the cigarette dispenser.

Reporting Officer(s): Agor, Ramon	Payroll Number: 9901	Payroll Number:	Report Date: 06/10/2013
Reviewed by: Spath, Anthony	Payroll Number: 1813	Copy To:	1 Of 1

