

45  
75.



# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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2013-0599      Report      Introduced

Police Department Report involving 88 Keys Piano Martini Lounge, 7211 W. Greenfield Ave. (2013-2014 Class B Tavern License no. 1530 and Instrumental Music License No. 1532 of Gregory S. Barczak, Incident Date: September 13, 2013).

Introduced: 10/15/2013

Controlling Body: License & Health Committee

### COMMITTEE RECOMMENDATION

### PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>NOV 05 2013</u>	<input checked="" type="checkbox"/>		Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Lajsic				
			May				
			Probst				
			Reinke				
		<input checked="" type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale				
			Weigel	<input checked="" type="checkbox"/>			
		TOTAL		5	0		

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

### COMMON COUNCIL ACTION

### PLACE ON FILE

ACTION	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
DATE:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
NOV 05 2013	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	May	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Probst	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
UNANIMOUS TOTAL			10				

## 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 of West Allis  
Police Department**

**Liquor Establishment Violation**

Date: 9/14/2013  
To: Lieutenant Ed Benish  
From: Pto. Timothy Gold

*LT. JOHNSON*

**Violation Type**

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

Incident #: 13-008328

☐ N/A

Location: 7211 W. Greenfield Ave.

☐ N/A

Establishment Name: 88 Keys Piano Martini Lounge

☐ N/A

Establishment License #: Class B Lic#1530

☐ N/A

Establishment Owner: Gregory S. Barczak

☐ N/A

Owner Address: 14125 Twilight Way, New Berlin, WI 53151

☐ N/A

Violation(s): Disorderly Conduct, Warrant

☐ N/A

Offender: Mark S. Zyla

☐ N/A

Offender Address: 512 N. Barstow St. Waukesha, WI 53186

☐ N/A

Offender:

☒ N/A

Offender Address:

☒ 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 Marks

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

Commanding Officer Signature:

Reviewed by Deputy Chief Jerry Ponzi:

Copy forwarded to License and Health Committee: Date:




Date:

09/14/2013

CFS Code-1: 5311

Incident Report Number:

13-008328

		West Allis Police Department		Incident Report			
		Incident: Disorderly Conduct					
		Incident Report Number: 13-008328		Between: Date - Time		And/At: Date-Time 9/13/13 23:58	
		Incident Location: 7211 W Greenfield Ave;WA, West Allis, WI, 53214					
		CFS Code-1: 5311		CFS Code-2: 90Z4		CFS Code-3: CFS Code-4:	
CFS Code-5:		CFS Code-6:		CFS Code-7:		CFS Code-8:	
CN	Name (Last, First, Middle) Russell, James D			DOB: 10/05/1968		Race/Sex W/M	
Address: (Address, City, State, Zip) 1500 S 92 St;WA, West Allis, WI, 53214						Home Phone Number	
Employer						Work Phone Number (414) 322-8664	
Employer Address						Cell Phone Number (239) 465-6758	
CN	Name (Last, First, Middle) Turnmire, Renee M			DOB: 02/15/1958		Race/Sex W/F	
Address: (Address, City, State, Zip) 512 N Barstow St, Waukesha, WI, 53186						Home Phone Number (262) 446-0804	
Employer						Work Phone Number	
Employer Address						Cell Phone Number (262) 844-2696	
<p><b>SUMMARY</b></p> <p>Officer Gold Reports...Disorderly Conduct/Warrant...7211 W. Greenfield Ave.</p> <p>On 09/13/13 at approx. 2358hrs. Officers responded to 88 Keys Piano Bar for parties fighting inside. Investigation revealed the intoxicated Mark S. Zyla M/W 02/26/59 and several other intoxicated patrons were actually splash fighting with the water table inside the tavern. After initially refusing to leave the tavern, Mark finally did so and on his way out began yelling, swearing, giving people the middle finger and threatening the bar employees. Mark was taken into custody, booked, cited and conveyed to CJF on a Probation &amp; Parole Order to Detain.</p>							
Vehicle Information: (Year, Make, Model, Style, Color)							
License Number:		State:		Expiration Year:		Vin:	
Insurance Company:							
Other Vehicle Information:						NCIC#	
Reporting Officer(s): Gold, Timothy				Payroll Number: 9589		Report Date:	
Time Received: 23:58:27		Time Cleared: 00:41:10		Unit(s) Assigned: 313, 314, 316, 317, 318.		Pages: 1 Of 4	
Reviewed by: Marks, Christopher				Payroll Number 9075		Copy To	



## West Allis Police Department

## Continuation

Incident Report Number  
13-008328Incident Location:  
7211 W Greenfield Ave;WA, West Allis, WI, 53214Incident Date:  
09/13/2013

## NAMES

## Witness-1

Barczak, Gregory S W/M-63 of 14125 Twilight Way, New Berlin,WI,53151  
DOB: 11/30/1949 DL: B622-2974-9430-03  
HT: 510 WT: 190 Hair: Gray Or Partially Gray  
Eyes: Brown  
Business Phone:(414) 257-1012 Cell Phone:(414) 322-6365

## Witness-2

Kobac, Scott W W/M-53 of 456 s 76 st, Milwaukee,WI,53206  
DOB: 08/22/1960  
HT: 510 WT: 235 Hair: Brown  
Eyes: Blue Complexion: Fair  
Home Phone:(414) 259-0488 Cell Phone:(414) 453-2602

## Witness-3

Selky, Beth Ann W/F-32 of 8504 BEACON HILL DR, FRANKLIN,WI,53132  
DOB: 04/30/1981 DL: S4200618165003  
HT: 508 WT: 190 Hair: Brown  
Eyes: Brown  
Other Phone:(414) 943-6137

## Offender

Zyla, Mark Steven W/M-54 of 512 N Barstow St, Waukesha,WI,53186  
DOB: 02/26/1959 DL: Z400-5575-9066-03  
HT: 509 WT: 155 Hair: Brown  
Eyes: Brown Complexion: Light Medium  
Cell Phone:(262) 844-5575

Booking#: 13-004336

Case#	Charge	Description	Ct
13-008328	90Z4	Warrant Other Department	1
13-008328	WA-947.01	Disorderly Conduct	1

## Witness-4

Reporting Officer(s):  
Gold, TimothyID Number  
9589

ID Number

Pages:  
2 Of 4



## West Allis Police Department

## Continuation

Incident Report Number	Incident Location:	Incident Date:
13-008328	7211 W Greenfield Ave;WA, West Allis, WI, 53214	09/13/2013

Holland, Kelly Sue W/F-53 of 4160 S 24 St, Naples,FL,34120  
DOB: 11/26/1959  
Cell Phone:(239) 784-4369

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**NARRATIVE****INITIAL RESPONSE**

On 09/13/13 at approx. 2358hrs. Officers responded to 88 Keys Piano Bar, 7211 W. Greenfield Ave., for parties fighting inside. On arrival Cpl. McNally and I entered the tavern through the front doors and were advised by employees that the offenders just left out the back door. Cpl. McNally and I then exited the rear of the tavern and entered the alley where employees pointed to a black Honda and stated one of the problem parties is in the vehicle. Cpl. McNally then attempted to stop the vehicle by yelling at the driver and shining the vehicle with his flashlight, however the vehicle exited the parking lot and proceeded to W. Greenfield Ave. where it turned E/B. I then ran to my squad car which was parked in front of the tavern and observed the vehicle turn S/B on S. 71 St. I radioed Cpl. McNally the information and he caught up and stopped the vehicle near 71/National. The driver of the vehicle was identified as Mark S. Zyla M/W 02/26/59 and passenger as Renee M. Turnmire 02/15/58.

Cpl. McNally, Officer Kaye, Officer Schweitzer, Officer Said and Officer Otto will be providing supplement reports.

**TRAFFIC STOP #2 - CONTACT WITH JAMES D. RUSSELL**

I initially responded to the traffic stop and once enough Officers were on scene, I returned to the tavern where employees pointed out another vehicle that was involved. The vehicle employees pointed out was a black 1998 4dr VW Jetta WI Lic#403-UUG. I performed a traffic stop on this vehicle in the 1400 block of S. 72 St. and Officer Said made contact with the driver, Kelly S. Holland F/W 11/26/59, while I spoke with the intoxicated passenger and vehicle owner, James D. Russell M/W 10/05/68.

James stated he was at the tavern tonight with Kelly, Mark and Renee. James stated there were no problems inside the tavern and no one was fighting. James did state that he and Mark were playing in the water table and flicking each other with water. James did not provide any other useful information.

James and Kelly were ultimately advised and sent on their way.

**ARREST DECISION**

Reporting Officer(s):	ID Number	ID Number	Pages:
Gold, Timothy	9589		3 Of 4



## West Allis Police Department

## Supplementary Report

Incident Report Number 13-008328	Incident Location: 7211 W Greenfield Ave;WA, West Allis, WI, 53214	Incident Date: 09/13/2013	
New Incident:	Original CFS Code - 1:	New CFS Code -1 :	New CFS Code - 2:
<b>NARRATIVE</b>  Cpl. McNally reports...  <b>TRAFFIC STOP</b>  On 09-13-13 at 2358 hrs, I responded to 88 Piano Keys, 7211 W. Greenfield Ave, regarding patrons causing problems inside the tavern and refusing to leave. On arrival, employees stated the offenders had left out the backdoor just prior to officer arrival. As I walked out the backdoor, employees pointed to a black 2004 Honda 2dr, WI reg. #59175T, stating one of the offenders had gotten into the vehicle.  I approached the vehicle on foot and illuminated it with my flashlight. I was approximately 15 feet away from teh vehicle. The driver, later identified as Mark S. Zyla, looked directly at me and then drove East through the alley to S. 72 St. I shouted for Zyla to stop the vehicle. Instead he drove N/B on S. 72 St, E/B on W. Greenfield Ave. and S/B on S. 71 St. I ran after the vehicle and called out the license plate as the vehicle drove away.  I ran back to my squad and was able to conduct a traffic stop on S. 71 St. at W. National Ave. I made contact with the driver, Mark S. Zyla, who provided the following statement.  <b>CONTACT WITH MARK S. ZYLA (offender)</b>  Zyla admitted that he was inside 88 Piano Keys. He told me that his friends started throwing water at him inside the tavern. Zyla stated he did not partake in the water fight. Zyla stated employees inside the business were rude to him when they asked him to leave. He admitted to me that he used profanity inside the tavern but only after employees were rude to him. Additionally, Zyla admitted that he put both his middle fingers in the air prior to leaving. It should be noted that Zyla's shirt was wet, likely from the water fight that occurred inside the tavern. Zyla claimed he never saw me or heard me telling him to stop the vehicle.  While speaking with Zyla, his demeanor was argumentative. Zyla admitted he had consumed three alcoholic beverages earlier in the evening. I detected a moderate odor of ingested alcohol emitting from his breath. Zyla performed the Standardized Field Sobriety Tests (SFSTs) and the results of that test were satisfactory.			
Reporting Officer(s): McNally, Ryan	Payroll Number: 9439	Payroll Number:	Report Date: 09/14/2013
Reviewed by: Porter, Caleb	Payroll Number 9438	Copy To:	1 Of 1



## West Allis Police Department

## Supplementary Report

Incident Report Number 13-008328	Incident Location: 7211 W Greenfield Ave;WA, West Allis, WI, 53214	Incident Date: 09/13/2013	
New Incident:	Original CFS Code - 1:	New CFS Code - 1 :	New CFS Code - 2:
<b>NARRATIVE</b>  Officer Said reports...  INITIAL OBSERVATIONS  On 9/13/13 at approximately 2358 hrs squads responded to 7211 W Greenfield Ave for report of a fight among bar patrons, who were refusing to leave. Upon arrival on scene I found a vehicle leaving, a black Volkswagon bearing WI-Reg.403-UUG . There was a male standing outside the 88 Keys Tavern pointing to a vehicle and stating the occupants inside were involved in the incident. I made contact with a male passenger, James D. Russell (m/w, 10-5-68) and female driver, Kelly S. Holland, inside the vehicle. I spoke to Holland while Officer Gold made contact with Russell.  ON SCENE STATEMENTS OF WITNESS - KELLY SUE HOLLAND (F/W, 11-26-59)  Holland stated she was at a festival earlier this evening and met a couple for the first time, later identified as Mark S. Zyla and Renee M. Turnmire. Holland and Russell met Turnmire and Zyla at the 88 Keys Tavern. Holland said while at the bar Russell and Zyla were being playful and began flicking water at each other from a bird-bath / water-table, which had candles floating in it, located inside the bar. After this playful splash-fight Holland said there was water thrown onto the table tops and Zyla went to the bar to get a towel to wipe up the water.  Holland said when the bartender learned there was a splash-fight and that water was being thrown about the tables he asked that they leave the bar. Holland said she did not do anything wrong because she never joined in the splash-fighting so she felt that the commands to leave were not directed towards her and she said she was not going to leave.  Holland said she did not witness any of the statements made to the bartender by Zyla.  Holland was not drinking herself, but she said the other parties, Zyla, Turnmire and Russell were drinking. When the parties had finished their drinks they left the bar and shortly after made contact with myself and Officer Gold. Holland said Zyla and Turnmire had already left before my contact with her in their own vehicle.			
Reporting Officer(s): Said, Sharif	Payroll Number: 9871	Payroll Number:	Report Date: 09/14/2013
Reviewed by: Porter, Caleb	Payroll Number 9438	Copy To:	1 Of 1



## West Allis Police Department

## Supplementary Report

Incident Report Number 13-008328	Incident Location: 7211 W Greenfield Ave;WA, West Allis, WI, 53214	Incident Date: 09/13/2013
New Incident:	Original CFS Code - 1:	New CFS Code -1 : New CFS Code - 2:
<b>NARRATIVE</b>  Officer Schweitzer reports...  <b>CALL FOR SERVICE</b>  On 09/13/13, I responded to 88 Keys Piano Bar, 7211 W Greenfield Ave, for a report of four parties inside the bar fighting and refusing to leave.  <b>WITNESS STATEMENT - GREGORY BARCZAK</b>  Upon my arrival, I made contact with the bar owner, Gregory Barczak. Gregory stated two males, one party wearing a green shirt and another male wearing a gray shirt were standing by the water table, when they proceeded to throw water at each other. The bartender, Beth, refused to serve anymore alcohol to either party and told both parties they needed to leave the bar. The male party in the green shirt, began swearing at Beth and raising his middle finger at her. The male party in the green shirt refused to leave the bar and was creating a disturbance to the other guests. When the male party in the green shirt, finally agreed to leave he began yelling at the customers inside the bar to come outside so he could fight them. Gregory advised the male in the green shirt was very intoxicated.  <b>WITNESS STATEMENT - BETH SELKY</b>  I later made contact with the bartender, Beth Selky. Beth stated two males were at the water table to the left of the bar, when a male wearing a green shirt began to throw water at a male wearing a gray shirt. Beth advised both males that she would not be serving them any more alcohol tonight and asked both parties to leave the bar. The male wearing the green shirt began yelling at Beth, saying, "Fuck you, you're giving me a refund" and refused to leave until he had his refunded money. Beth told the male she would not be refunding his money. The male then started yelling, "Fuck all of you" and raised his middle fingers towards Beth. Beth stated the male wearing the green shirt was creating a disturbance to other patrons of the bar while yelling at her. When the male wearing the green shirt finally left the bar. He was yelling to everyone, "Who wants to come outside". Beth stated she believed the male in the green shirt was going to start fighting people inside the bar.  End of Supplemental Report		
Reporting Officer(s): Schweitzer, Adam	Payroll Number: 9905	Report Date: 09/14/2013
Reviewed by: Porter, Caleb	Payroll Number 9438	Copy To: 1 Of 1



## West Allis Police Department

## Supplementary Report

Incident Report Number 13-008328	Incident Location: 7211 W Greenfield Ave;WA, West Allis, WI, 53214	Incident Date: 09/13/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:
<b>NARRATIVE</b>  <b>PO Kaye Reports:</b>  On 09/13/13 at approx. 2358hrs, officers responded to 88 Keys Piano Bar, 7211 W Greenfield Ave, for a report of a fight in the bar. Upon arrival I spoke with employee, Scott W. Kobac (M/W 08/22/60).  <b>WITNESS STATEMENT - SCOTT W. KOBAC</b> Scott explained he is the cook for 88 Keys Piano Bar. Scott stated two M/W's and two F/W's entered the bar sometime after 2300hrs. Scott stated one of the males (Who was wearing a green polo shirt), later identified as Mark Steven Zyla (M/W 02/26/59), was causing a disturbance inside of the bar. Scott said Mark was trying to go into the Ladies bathroom. Scott also stated Mark was very drunk and was "cut off" from alcohol. Scott said Mark became very upset, started the yell, scream, and use profanities. Scott stated Mark was asked to leave but would not. Scott indicated Mark was giving everyone at the bar the middle finger with both hands. Scott explained when Mark eventually left the bar he was making statements that he wanted to fight with the bar owner and the employees.  <b>END OF SUPPLEMENT</b>		
Reporting Officer(s): Kaye, Jacob	Payroll Number: 9904	Report Date: 09/14/2013
Reviewed by: Porter, Caleb	Payroll Number 9438	Copy To:  1 Of 1



## West Allis Police Department

## Supplementary Report

Incident Report Number 13-008328	Incident Location: 7211 W Greenfield Ave;WA, West Allis, WI, 53214	Incident Date: 09/13/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

**NARRATIVE**

Officer Otto reports:

**INITIAL RESPONSE**

On 9/13/13, at approx. 2358hrs, Officers responded to 88 Keys, 7211 W. Greenfield Ave., for 4 people who were fighting in the bar and were refusing to leave.

While enroute, Officer McNally advised that a vehicle had taken off from him southbound on 71st towards National Ave. I responded to that area and assisted Officer McNally after the traffic stop was conducted.

**STATEMENT BY RENEE M. TURNMIRE-CONTACT**

At the traffic stop I spoke with Renee M. Turnmire, (f/w, 2/15/58). I asked Renee for her name and she said to me, "I don't think that I have to give that to you." Renee eventually gave her name to me and still had no idea why she was being questioned.

Renee was highly argumentative with me during my interaction with her and while speaking to her, her speech was slurred and I could smell a moderate odor of intoxicants emitting from her breath. I explained to her that we were conducting an investigation regarding people being disorderly in the bar. Renee advised when she and her friends got to the bar, they sat down and there were rocks in her drink so she splashed her friend Mark in a friendly way.

Renee then asked an employee for a napkin to clean up the water and said that the employee became extremely rude to her and would not supply her with a napkin. Shortly after they left the bar. Renee said the splashing was all in good fun with good friends. Renee advised she and her friends left bar shortly after.

I asked Renee if she noticed the Officer flashing his flashlight into the windshield of her car and she advised she had no idea. Renee had approx. 3 Shirnoff Ice drinks that she shared with her friend Mark.

Renee had nothing further to add to this incident.

At the end of our conversation, Renee had calmed down and become cooperative with Officers.

~~End of Supplemental Report.~~

Reporting Officer(s): Otto, Michael A.	Payroll Number: 9829	Payroll Number:	Report Date: 09/14/2013
Reviewed by: Porter, Caleb	Payroll Number 9438	Copy To:	1 Of 1

