

87



City of West Allis Matter Summary

*Returned
from held
Status.*

| File Number | Title | Status |
|-------------|-------|--------|
|-------------|-------|--------|

2002-0255 Summons and Complaint (Licensing) Held in Committee

Summons and Complaint in the Matter of the Complaint Against Amaze, Inc., Mark A. Zierath, Agent, d/b/a Magoo's Sports Bar & Grill, 8911 W. National Ave. (2001-2002 Class B Tavern License no. 54).

Introduced: 5/28/2002

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

Place on file

| ACTION DATE: | MOVER | SECONDER | | AYE | NO | PRESENT | EXCUSED |
|---------------|-------------------------------------|-------------------------------------|------------|-------------------------------------|----|---------|-------------------------------------|
| <u>8-5-03</u> | | | Barczak | <input checked="" type="checkbox"/> | | | |
| | | | Czaplewski | | | | |
| | | | Kopplin | <input checked="" type="checkbox"/> | | | |
| | | | Lajsic | | | | |
| | | | Narlock | | | | |
| | | <input checked="" type="checkbox"/> | Reinke | | | | |
| | | | Sengstock | <input checked="" type="checkbox"/> | | | |
| | <input checked="" type="checkbox"/> | | Trudell | | | | <input checked="" type="checkbox"/> |
| | | | Vitale | <input checked="" type="checkbox"/> | | | |
| | | | Weigel | | | | |
| | | | TOTAL | <u>4</u> | | | <u>1</u> |

SIGNATURE OF COMMITTEE MEMBER (RECORDER)

[Signature]

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

place on file

| ACTION DATE: | MOVER | SECONDER | | AYE |
|---------------|-------------------------------------|-------------------------------------|------------|-----|
| <u>8-5-03</u> | <input checked="" type="checkbox"/> | | Barczak | |
| | | | Czaplewski | |
| | | | Kopplin | |
| | | | Lajsic | |
| | | | Narlock | |
| | | | Reinke | |
| | | <input checked="" type="checkbox"/> | Sengstock | |
| | | | Trudell | |
| | | | Vitale | |
| | | | Weigel | |
| | | | TOTAL | |

*Gary, 7-23
Mark Zierath pleaded
"No Contest" on 7-21-03.
The Judge found him
guilty. He is selling
his business per
Janilyn.*

[Signature]

COMMITTEES OF THE WEST ALLIS COMMON COUNCIL 2003

ADMINISTRATION AND FINANCE

Chair: Alderperson Czaplewski
V.C.: Alderperson Kopplin
Alderspersons: Barczak
Lajsic
Reinke

ADVISORY

Chair: Alderperson Reinke
V.C.: Alderperson Vitale
Alderspersons: Kopplin
Lajsic
Narlock

LICENSE AND HEALTH

Chair: Alderperson Barczak
V.C.: Alderperson Sengstock
Alderspersons: Kopplin
Trudell
Vitale

SAFETY AND DEVELOPMENT

Chair: Alderperson Lajsic
V.C.: Alderperson Weigel
Alderspersons: Czaplewski
Narlock
Reinke

PUBLIC WORKS

Chair: Alderperson Narlock
V.C.: Alderperson Trudell
Alderspersons: Sengstock
Weigel
Vitale

Note No. _____

CITY OF WEST ALLIS

File No. 2678/122

Referred to the

License & Health
Committee

COMMON COUNCIL

(L & H 5-28-02)
Date

To the Honorable, the Common Council:

The Committee on

License & Health

to whom was on

, referred the

Summons & Complaint in the Matter
of the Complaint against Amaze Inc. Mark A. Zierath
Agent aka Magic's Sports Bar & Grill 8911 W. National Ave.
(2001-5002 class B Tavern License no. 154)

beg leave to report same back with

and recommended that the

Oct 21 thru 28th.

Dated this _____

day of _____

, 20 _____

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

**In the Matter of the
Complaint Against**

SUMMONS

**AMAZE, INC.,
MARK A. ZIERATH, Agent
8911 West National Avenue
West Allis, Wisconsin 53214,
d/b/a Magoo's Sports Bar & Grill**

*Previous file,
Do not act on
this jacket.
Not on agenda
11-20-02*

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

THE WEST ALLIS COMMON COUNCIL TO MARK A. ZIERATH:

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 revocation, or nonrenewal of your Class B Fermented Malt Beverage, Class B Intoxicating Liquor, Cigarette License, Dance Hall and Instrumental Music Licenses pursuant to the provisions of sec. 125.12, Wis. Stat. and 6.02(19) of the West Allis Revised Municipal Code.

NOW THEREFORE, you, Mark A. Zierath, 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 Tuesday, May 28, 2002, at 6:00 p.m., or as soon thereafter as this matter can be heard, to admit or deny the allegations in the complaint.

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 licenses be suspended, revoked, or not renewed will be made to the full Common Council. The Common Council may then vote to suspend, revoke, or not renew your licenses.

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 both the May 28, 2002, date and at the subsequent hearing, you may be represented by counsel. At the hearing you or your counsel may 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 16th day of May, 2002.

WEST ALLIS COMMON COUNCIL

By: Paul M. Ziehler
Paul M. Ziehler, Acting City Clerk/Treasurer

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

**In the Matter of the
Complaint Against
Amaze, Inc.
Mark A. Zierath, agent
d/b/a Magoo's Sports Bar & Grill,**

COMPLAINT

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

Gary T. Barczak, being duly sworn, on oath, deposes and states as a complaint against Amaze, Inc. as follows:

1. That the complainant is a resident of the City of West Allis, and is the duly elected Alderperson for the Third Aldermanic District in the City of West Allis, and makes this complaint at the direction of the License & Health Committee of the West Allis Common Council.
2. That the information contained in this complaint comes from the complainant's review of official records maintained by the City of West Allis and the West Allis Police Department.
3. That Amaze, Inc. is the holder of a Class B Fermented Malt Beverage License and a Class B Intoxicating Liquor License under combined Class B License No. 54, issued by the West Allis Common Council for the license period beginning July 1, 2001, and ending June 30, 2002, for the premises located at 8911 West National Avenue, West Allis, Wisconsin and does business under the trade name "Magoo's Sports Bar & Grill."

4. That Amaze, Inc., is the holder of Cigarette License No. 125, Dance Hall License No. 42, and Instrumental Music License No. 15 issued by the West Allis Common Council for the license period beginning July 1, 2001, and ending June 30, 2002, for the premises located at 8911 West National Avenue, West Allis, Wisconsin.
5. That on April 6, 1997, Mark A. Zierath, then the license holder and now agent for Amaze, Inc., was operating after hours contrary to §125.32(3) and §125.68(4), Wis. Stats. Further, that Mark A. Zierath was argumentative with officers contrary to §9.02(12), of the West Allis Revised Municipal Code.
6. That on January 22, 2000, at 8911 West National Avenue, West Allis, Wisconsin, Mark A. Zierath, then the license holder and now agent for Amaze, Inc., engaged in disorderly conduct contrary to §9.02(12)(c), of the West Allis Revised Municipal Code.
7. That on December 15, 2000, Mark A. Zierath, then the license holder and now the agent for Amaze, Inc., allowed an underage person on the premises contrary to §125.07(3)(a), Wis. Stat.
8. That on January 28, 2001, Mark A. Zierath, then the licensee and now the agent for Amaze, Inc., allowed an underage person or persons on the licensed premises contrary to §125.07(3)(a), Wis. Stat.
9. That on March 21, 2001, Mark A. Zierath, then the license holder and now the agent for Amaze, Inc., allowed an underage person on the licensed premises contrary to §125.07(3)(a), Wis. Stat.
10. That on October 27, 2001, Mark A. Zierath, then the license holder and now the agent for Amaze, Inc., allowed an underage person on the licensed premises contrary to §125.07(3)(a), Wis. Stat.

11. That on February 8, 2002, Amaze, Inc., allowed an underage person on the licenses premises contrary to §125.07(3)(a), Wis. Stat.
12. That Amaze, Inc., keeps or maintains a disorderly, riotous, indecent, or improper house contrary to §125.12(2)(ag)2, Wis. Stat., and said conduct is a basis for suspension, revocation, or non-renewal of the licenses issued to Amaze, Inc.
13. That Amaze, Inc., has violated the provisions of Chapter 125 of the Wisconsin Statutes and §9.02 of the West Allis Revised Municipal Code contrary to §125.12(2)(ag)1, Wis. Stat., and said conduct is a basis for suspension, revocation, or non-renewal of the licenses issued to Amaze, Inc..

WHEREFORE, Gary T. Barczak requests that Amaze, Inc., be summoned to appear before the License and Health Committee of the West Allis Common Council to answer this complaint and, if it denies the material allegations, that a hearing be scheduled to determine whether the Class B Fermented Malt Beverage, Class B Intoxicating Liquor, Cigarette License, Dance Hall, and Instrumental Music Licenses issued to Amaze, Inc., should be suspended, revoked, or not renewed.

Dated this 16 day of May, 2002.



Gary T. Barczak, Chairman, License & Health Committee
West Allis Common Council

Subscribed and sworn to before me
this 16 day of May, 2002.

Hermine Couturier
(Hermine Couturier)

Notary Public, State of Wisconsin

My Commission is expires: 10-10-04

SEP/kp

L:\s\L&H\COMPLAINT-Amaze-Zierath-Magoos