

**WEST ALLIS COMMON COUNCIL  
PUBLIC SAFETY COMMITTEE  
CITY OF WEST ALLIS**

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**In the Matter of the  
Complaint Against**

**COMPLAINT**

**Flying Unicorn LLC  
D/B/A The Thirsty Cactus Saloon**

**Premises Location:  
6108 W. Burnham Street  
West Allis, WI 53219**

**Agent: Craig Silber**

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

Corporal Douglas Sayeg of the West Allis Police Department, being duly sworn on oath, deposes and states as a complaint under Wis. Stat. § 125.12(2)(ag) against Flying Unicorn LLC doing business as “The Thirsty Cactus Saloon” as follows:

1. That this complaint is based upon information contained within official records maintained by the City of West Allis and the City of West Allis Police Department that the complainant has used in the past and found to be reliable.

Parties, License, and Permit Information

2. That the complainant is a resident of the City of West Allis.
3. That Flying Unicorn LLC, doing business as “The Thirsty Cactus Saloon” has been issued a “Class B” intoxicating liquor license and a Class “B” fermented malt beverage license (together identified on the license as a “Class B Tavern License”), and a Public Entertainment Permit, all issued under license number ALC-23-4 , for

the premises located at 6108 W. Burnham Street, State of Wisconsin, for the license period running July 1, 2023 to June 30, 2024.

4. That Craig Silber is the agent appointed pursuant to Wis. Stat. § 125.04(6)(a) for license number ALC-23-4.

Incidents Subject to Complaint

*Count 1: August 25, 2023*

5. That on August 25, 2023, West Allis Police Officer Allison Clark was dispatched to The Thirsty Cactus Saloon for a report of a male being carried out of the bar and put into the driver's seat of a truck. Officer Clark reported that she made contact with this male, E.W. (DOB 5/23/59), who admitted he had at least 6 drinks at the bar. Officer Clark observed that E.W. was highly intoxicated and had urinated himself. Officers made contact with the bartender, E.G. (DOB 6/10/89), who reported that she did serve E.W. who was a regular at the bar. The bartender informed Officer Clark that she served him four beers and two mixed drinks over the four-hour period that E.W. was at the bar. The bartender reported that she didn't think E.W. was intoxicated until he stood up and needed to be helped out of the bar. Police reported that the bartender E.G. was very cooperative.

*Count 2: November 30, 2023*

6. That on November 30, 2023, the West Allis Police Department conducted tavern checks at several alcohol licensed establishments within the city. West Allis Police Officer Adam Stikl reported that the police department worked with a 19-year-old female identified by initials R.L.D (d.o.b. 1/30/2004) to help their investigation.

7. Officer Adam Stikl reported that he was present and watched the actions of R.L.D. within The Thirsty Cactus Saloon. Officer Stikl reported that R.L.D. was served an alcoholic beverage without showing any identification while she was under the age of 21 years old. Officer Stikl reported that on December 1, 2023, he made contact with licensing agent, Craig Silber, who partially identified the server as Mary Markes. Officer Stikl reported that he was able to confirm Markes was the bartender that served R.L.D.

*Count 3: December 16, 2023*

8. That on December 16, 2023, police were dispatched to The Thirsty Cactus Saloon for a potential issue with a patron. The bartender was cooperative with the investigation and appears to have made an appropriate choice to remove the problematic patron. During said investigation, Officer Sergio Santa Cruz Medina reported that he spoke with two bar patrons, identified as J.L. (DOB 2/17/88) and X.P. (DOB 11/14/1983), who had observed the issues. Officer Santa Cruz Medina reported that both the male patron witnesses were “highly intoxicated.”

*Count 4: April 8, 2024*

9. That on April 8, 2024, the West Allis Police Department conducted tavern checks at several alcohol licensed establishments within the city. West Allis Police Officer Ryan Schultz reported that the police department worked with a 20-year-old male identified by initials N.A.S. (DOB 1/8/2004) to aid their investigation.

10. Officer Schultz reported that he and Officer Mussatti entered the Thirsty Cactus Saloon on said date to observe the interaction between N.A.S. and the establishment. Officers observed N.A.S. order an alcoholic beverage and he was

served the beverage without being asked for an ID or age. The officers reported that upon seeing the male leave, the bartender immediately made a phone call and appeared to be distressed.

11. Officer Schultz followed up with licensing agent, Craig Silber, regarding the sale to the underage individual. Officer Schultz reported that Mr. Silber was upset at how WAPD had conducted their tavern compliance checks but did provide basic information on the bartender involved. Police made contact with the bartender Mary Markes who was very apologetic about her mistake. She reported that she believed N.A.S. was over the age of 21 and that is why she did not ID him.

Violations of State Law and Local Code

12. That the "Class B" intoxicating liquor license and a Class "B" fermented malt beverage license (together identified on the license as a "Class B Tavern License"), issued to Flying Unicorn LLC, are subject to suspension or revocation for any of the following:

- A. Violating Wis. Stat. § 125.12(2)(ag)1 regarding a licensee improperly selling, vending, dealing, or trafficking alcoholic beverages to persons who are intoxicated in violation of Wis. Stat. § 125.07(2)(a)2 found in count 1 and 3.
- B. Violating Wis. Stat. § 125.12(2)(ag)1 regarding a licensee improperly selling, vending, dealing, or trafficking alcohol to an underage person not accompanied by a parent, guardian, or spouse who has attained the legal drinking age in violation Wis. Stat. § 125.07(1)(a)2 found in count 2 and 4.<sup>1</sup>

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<sup>1</sup> Wis. Stat. § 125.12(1)(b)2 mandates that no violation for service to an underage individual may be considered unless the licensee or permittee has committed another violation within one year preceding the violation. If the licensee or permittee has committed two or more violations within one year, all violations committed within one year may be considered.



13. That the Public Entertainment Permit issued to Flying Unicorn LLC is subject to suspension or revocation pursuant to West Allis Municipal Code §§ 9.51(1)b. because the licensee has failed to maintain order at the premises related to counts 1, 2, 3, and 4.

**WHEREFORE**, Corporal Douglas Sayeg requests that the licensee named herein, Flying Unicorn LLC, by licensing agent Craig Silber, be summoned to appear before the Public Safety 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 licenses and permits issued to Flying Unicorn LLC should be revoked or suspended.

Dated this 11th day of May, 2024.

By: Douglas Sayeg  
City of West Allis Police Department

Subscribed and sworn to before me  
this 11 day of may, 2024.

Jennifer A. Klamm  
(Name)  
Notary Public, State of Wisconsin  
My Commission expires: 02/09/28

