

IN THE MATTER OF THE COMPLAINT AGAINST BFS WI LLC: CITY OF WEST ALLIS v. BFS WI LLC. D/B/A Bottoms Up, Agent Charles Hastings

State of Wisconsin)

: ss

AFFIDAVIT OF SERVICE

Milwaukee County)

CPI. Scott Geys, under oath, says:

1. That affiant is a citizen and resident of the State of Wisconsin, over 18 years old, and is not a party nor in any manner interested in this proceeding.
2. That on October 20th, 2017, at 9:00 o'clock A.m., at 11301 W. Lincoln Ave West Allis WI 53227, affiant served a copy of this **Summons and Complaint** on BFS WI LLC., by personally delivering to and leaving a copy of same with:

a) The Agent, CHARLES HASTINGS.

b) _____, a person in charge of the office at 7127 W. National Avenue in the City of West Allis, d.b.a Bottoms Up. The person was informed of the contents of the summons.

CPI. Scott Geys
(Signature of person serving papers)

Subscribed and sworn to before me
this 20 day of October, 2017.

[Signature]

Notary Public, State of Wisconsin

My Commission: 1-25-2019

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

**In the Matter of the
Complaint Against**

Summons

**BFS WI LLC,
d/b/a Bottoms Up,
Charles Hastings, agent.**

Charles Hastings
1012017 0900
11301 W. Lincoln Ave
West Allis WI 53227
CPI. [Signature] 561840

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

THE WEST ALLIS COMMON COUNCIL TO Charles Hastings:

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 non-renewal of your 2017-2018 Class "B" Intoxicating Liquor and Class "B" Fermented Malt Beverage License, pursuant to the provisions of Sec. 125.12(2)(ag)2, Wis. Stat. and West Allis Revised Municipal Code Sections 9.02(12)(b), 9.02(16)(a), 9.02(20)(a)4, and 9.02(20)(a)9.

NOW THEREFORE, you, Charles Hastings, 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 October 24, 2017, at 6:00 p.m., or as soon thereafter as this matter can be heard, 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 13th day of October, 2017.

WEST ALLIS COMMON COUNCIL

By: Monica Schultz
Monica Schulz, City Clerk

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

**In the Matter of the
Complaint Against**

COMPLAINT

**BFS WI LLC,
d/b/a Bottoms Up,
Charles Hastings, agent.**

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

Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against BFS WI LLC, as follows:

1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the First Aldermanic District in the City of West Allis, is the chair of the License and Health Committee, and makes this complaint at the direction of the License and 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 City of West Allis Police Department, which records complainant believes to be reliable and accurate.
3. That BFS WI LLC is the holder of a 2017-2018 "Class B" intoxicating Liquor and 2017-2018 Class "B" Fermented Malt Beverage License under license number 2312; issued by the West Allis Common Council on July 28, 2017 for the license period beginning July 1, 2017 through June 30, 2018 for the premises located at 7127 W.

National Avenue, West Allis, Wisconsin; and does business under the trade name, "Bottoms Up."

4. That Charles Hastings is the registered agent for BFS WI LLC.
5. That on July 1, 2017 at approximately 12:51 in the morning, members of the West Allis Police Department were dispatched to "Bottoms Up," located at 7127 W. National Avenue in the City of West Allis for the report of an assault. On scene, Officer Douglas Sayeg, along with other West Allis Police Officers, determined that a subject was struck multiple times in the face while outside and in the back of the premises while smoking a cigarette. Officers determined that the parties involved in the fight knew each other and had been drinking together within the bar before heading outside for a cigarette. Investigation revealed that one party in the altercation received a fracture nasal bone.
6. That Officer Sharif Said reported that he did make contact with the bartender, Jessica Brown, through the investigation of the above listed incident and that she helped officers identify subjects involved and obtain requested evidence.
7. That the incident reflected in paragraph five (5) represents disorderly and indecent behavior at the premises in violation of Wis. Stat. section 125.12(2)(ag)2 and 9.02(20)(a)9 of the West Allis Revised Municipal Code (Hereafter "West Allis RMC.")
8. That on August 25, 2017, Officer Adam Schweitzer conducted a tavern check at "Bottoms Up," located at 7127 W. National Avenue in the City of West Allis. Officers initially observed a dog within the premises but the subject with the dog left out a back door before officers could make contact. Officer Schweitzer did report that

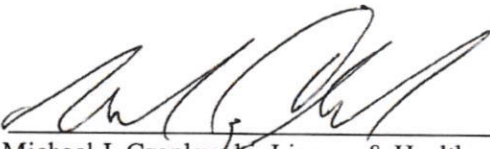
he made contact with the bartender, Savanna Henderson, who informed officers that she did not have a bartender's license. Officer Schweitzer was informed that there was no manager on duty that evening and that Savanna Henderson was the only bartender during that evening.

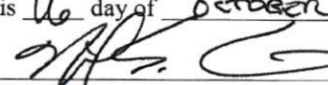
9. That the violation listed in paragraph eight (8) represents a violation of Wis. Stat. 125.32(2) and West Allis RMC Section 9.02(16)(a) for not having a licensed operator on premises.
10. That based on the above law enforcement contacts, Charles Hastings, agent for BFS WI LLC, was ordered into to the West Allis License and Health Committee on August 22, 2017, and September 26, 2017.
11. That Charles Hastings failed to appear on either date and did not contact the West Allis City Clerk regarding any reason for a nonappearance. Said conduct represents a violation of West Allis RMC 9.02(12)(b) and 9.02(20)(a)4.
12. That based on the incidents referenced in this complaint, BFS WI LLC has maintained a disorderly or riotous, indecent, or improper house, has failed to have a licensed operator on premises, and has failed to appear before the License and Health Committee when requested, contrary to the ordinances and statutes enumerated in this complaint in addition to Wis. Stat. Chapter 125 and West Allis RMC Chapter 9; and which substantially relate to the licensed/permitted activity. Those violations are grounds for non-renewal, suspension, or revocation of its 2017-2018 Class "B" Intoxicating Liquor and Class "B" Fermented Malt Beverage License.

WHEREFORE, Michael J. Czaplewski requests that BFS WI LLC, by agent Charles Hastings, 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 BFS WI LLC, by agent Charles Hastings, should be revoked, suspended, or not renewed.

Dated this 16 day of October, 2017.

By: 
Michael J. Czaplowski, License & Health
Committee
West Allis Common Council

Subscribed and sworn to before me
this 16 day of October, 2017.

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

