



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Minutes

License & Health Committee

Aldersperson Michael J. Czaplewski, Chair

Aldersperson James W. Sengstock, Vice-Chair

Alderspersons: Gary T. Barczak, Daniel J. Roadt, Martin J. Weigel

Tuesday, October 27, 2009

6:00 PM

West Allis City Hall Room 128

REGULAR MEETING

A. CALL TO ORDER

The meeting was called to order by Chair Czaplewski at 6:00 p.m.

B. ROLL CALL

Present: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
Excused: 0

Others present: Ronald D. Quartullo, Benjamin W. Evenson, Kelley J. DeLisle, Susan C. Jesion, Brad Mark Roessger, Jason J. Dakins, Eunice A. Weber, Dale J. Zbieranek, Gregory S. Barczak, James F. Henry, Janel A. Deprey, Mohinder S. Dhillon, Vincent Scardina and Susan Scardina, William P. Savage, Lt. Terry Morrissey, West Allis Police Dept., Jenna Merten, Assistant City Attorney, Paul M. Ziehler, City Administrative Officer, Clerk/Treasurer, Monica Schultz, Assistant City Clerk and Ann Marie Neff, Secretary to the Committee.

C. APPROVAL OF MINUTES

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, to approve the minutes of the special meeting of September 15, 2009, and recess meetings of September 15, 2009, October 6, 2009 and October 20, 2009. The motion carried unanimously.

D. CLOSED SESSION

A closed session was not held.

E. NEW AND PREVIOUS MATTERS

Previous Matters for Consideration

2. [2009-0667](#) 2009-2010 Tavern Operator License application no. 10-395 of Ronald D. Quartullo.

Appearance by Ronald D. Quartullo. Mr. Quartullo told the Committee he previously held a license in Greenfield and Milwaukee, but they are expired. Ald. Weigel stated he had concerns with Mr. Quartullo's police background report and questioned him about it. Ald. Czaplewski said he had a personal policy of not approving applicants with drug convictions due to the high trafficking of drugs in bars. Recommended for denial based on the police report.

A motion was made by Ald. Barczak, seconded by Ald. Sengstock, that this matter be Recommended for Denial. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

3. [2009-0668](#) 2009-2011 Tavern Operator License application no. 11-389 of Benjamin W. Evenson.

Appearance by Benjamin W. Evenson. Mr. Evenson told the Committee he no longer needed a West Allis License because he was laid off at Paulie's and got a job in Milwaukee. Mr. Evenson was informed the application fee is nonrefundable. Mr. Evenson said he would answer any questions the Committee had and get his West Allis license after all. Mr. Evenson explained the disorderly conduct and property damage charges. Ald. Sengstock informed Mr. Evenson about calling 911, checking identification and the City's compliance check program, in case he should get a job in West Allis.

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Recommended For Approval. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

1. [2009-0571](#) Summons and Complaint in the matter of the complaint against Mr. Gyros Café & Grill, LLC, James P. Wood, Agent, d/b/a Mr. Gyros relative to Food-Related Permit.

Nonappearance by James P. Wood. Mr. Wood did not contact the Clerk's Office. Attorney Merten reminded the Committee this was held last time because Mr. Wood said he would sign a payment agreement for his past due taxes. He has not contacted the Attorney's Office to do so. At this time the Committee could suspend, revoke or not renew the Restaurant License. Ald. Sengstock made a motion to revoke the license and prepare a Findings and Recommendation due to Mr. Wood not following through with the Attorney's Office and non response to the appearance letter.

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, to Recommend To issue a Findings and Recommendation. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

4. [2009-0677](#) 2009-2011 Tavern Operator License application no. 11-396 of Kelley J. DeLisle.

Appearance by Kelley J. DeLisle. Mr. DeLisle previously held a West Allis license. He is currently laid off as a seasonal garden center employee and will be working at Just Mary's. Ald. Sengstock reminded Mr. DeLisle to call 911 and to check identification.

A motion was made by Ald. Sengstock, seconded by Ald. Weigel, that this matter be Recommended For Approval. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

5. [2009-0559](#) Communication from Jill Huennekens regarding her termination as Bar Manager at 6500 W. Greenfield Ave., d/b/a 6500 Bar & Grill (2009-2010 Class B Tavern License no. 1500, Susan C. Jesion, licensee).

Appearance by Susan C. Jesion. Ald. Czaplewski told Ms. Jesion that he does not believe the business is being run like Ms. Jesion said it was going to be when she appeared before the Committee to receive her Class B Tavern License. He reminded her that Scott Jesion was not to be involved in the operation of the business, and she was supposed to have a food menu and a bar manager. Ald. Czaplewski said he understands Jill Huennekens' story is just one side of what happened, but cannot ignore what else is going on there. Ald. Weigel said he stopped in the establishment one evening and Scott Jesion was tending bar. He was behind the bar pouring, serving and accepting payment for orders. Ald. Weigel said he did not see another bartender behind the bar while he was there. Ms. Jesion replied that she orders and runs the bar. Scott Jesion is at the establishment before closing time to make sure the bartenders are escorted safely to their cars. Scott Jesion is still doing repairs to the outside of the building and the kitchen area is next on the schedule. She informed the Committee that she cannot serve food until the kitchen repairs are completed and approved. She said the bartender,

Katie, on duty the evening in question was in the ladies' room because she was not feeling well, and then she was sitting at the end of the bar. Ald. Sengstock reminded Ms. Jesion that Scott Jesion should not be in the bar area, especially not bartending. He asked how many bartenders she currently has working for her. Ald. Barczak questioned if she knew who she ordered liquor from. Ms. Jesion replied she has a full time job and relies on her employees, currently numbering three (3) bartenders. She recently let one bartender go because she was stealing. She orders from Badger Liquor. Ald. Barczak asked who else she orders from because he has seen other vendors' trucks there. She said she did not order from anyone else.

A motion was made by Ald. Sengstock, seconded by Ald. Weigel, that this matter be Recommended to be Placed on File. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

6. [2009-0643](#) 2009-2010 Instrumental Music License application no. 1597 (2009-2010 Class B Tavern License no. 1500), of Susan C. Jesion, d/b/a 6500 Bar & Grill for premises located at 6500 W. Greenfield Ave.

Ald. Sengstock asked what type of music they were going to have. Ms. Jesion replied live music, soft rock and blues on Friday or Saturday evenings. Ald. Barczak questioned if there was enough parking to accommodate having live bands. Ald. Czaplewski said there have been noise complaints in the past because of loud music and the doors being open. He cautioned her.

A motion was made by Ald. Sengstock, seconded by Ald. Roadt, that this matter be Recommended For Approval. The motion carried by the following vote:

Votes: Aye: 3 - Ald. Czaplewski, Ald. Sengstock and Ald. Roadt
No: 2 - Ald. Barczak and Ald. Weigel

7. [2009-0457](#) 2009-2010 Class B Tavern License renewal application no. 1283 of MJJB, LLC, Brad Mark Roessger, Agent, d/b/a Buggy's for premises located at 6851 W. Beloit Rd.

Appearance by Brad Mark Roessger. Mr. Roessger told the Committee he has reached an agreement with the owner of the property, Scott Hintz, to sell to a third party. Mark Holbert owner of Sportz Medicine is interested in taking over the establishment and Mr. Roessger stated he would be willing to withdraw his renewal application.

Held

8. [2009-0389](#) 2009-2010 Class B Tavern License application no. 1546 of Jason J. Dakins, d/b/a Buggsys, premises located at 6851 W. Beloit Rd. (new-existing location).

Appearance by Jason J. Dakins. Mr. Dakins stated he was no longer involved, or interested in being involved with this license.

A motion was made by Ald. Barczak, seconded by Ald. Sengstock, that this matter be Recommended to be Placed on File. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

9. [2009-0594](#) Police Department Report involving GW's Jaws, 9033 W. National Avenue, (2009-2010 Class B Tavern License no. 629, Dance Hall License no. 633 and Instrumental Music License no. 634 of GW's Jaws LLC, Eunice A. Weber, Agent, Incident Date: August 2, 2009).

Appearance by Eunice A. Weber. Ald. Czaplewski told Ms. Weber she was appearing because the bartender did not call the Police. Ms. Weber replied they did not know what was going on because the incident happened outside. Attorney Merten read a portion of the report where it said the patron told the bartender she was choked inside the bar and another portion where a patron asked a bartender to call 911. Ald. Czaplewski said a 911 call generated from an

establishment's employee is not held against them. Ald. Weigel told Ms. Weber that a complaint from a patron needs to be followed up on.

A motion was made by Ald. Roadt, seconded by Ald. Sengstock, that this matter be Recommended to be Placed on File. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

10. [2009-0595](#)

Police Department Reporting involving Barneks, 7411 W. Becher St., (2009-2010 Class B Tavern License no. 1060, and Dance Hall license no. 1062 of Dale J. Zbieranek, Incident Date: August 8, 2009).

Appearance by Dale J. Zbieranek. Ald. Czaplewski told Mr. Zbieranek he was appearing because the bartender did not call the Police and the incident happened in the bar. Ald. Sengstock asked Mr. Zbieranek how long he has had his license. Mr. Zbieranek replied he has had his license for four (4) years. He stated the incident involved a newly hired bartender's daughter and that the bartender didn't call because she didn't want to get her daughter in trouble. Ald. Sengstock commended Mr. Zbieranek on there being only one (1) other incident in his four (4) years as a license holder.

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Recommended to be Placed on File. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

Ald. Barczak excused himself from the discussion of Agenda Item no. 11.

Present: 4 - Ald. Czaplewski, Ald. Sengstock, Ald. Roadt and Ald. Weigel

Excused: 1 - Ald. Barczak

11. [2009-0600](#)

Police Department Report involving Painted Parrot, 8028 W. National Ave. (2009-2010 Class B Tavern License no. 454, Dance Hall License no. 504, and Instrumental Music License no. 1068 of LTL PNK HSZ, LLC, Gregory S. Barczak, Agent, Incident Date: August 30, 2009).

Appearance by Gregory S. Barczak. Mr. Barczak told the Committee the incident happened outside after his bouncers escorted some patrons out. Ald. Czaplewski told Mr. Barczak that if there was trouble inside the bar, 911 should have been called then. He said that still does not explain serving to underage parties. Mr. Barczak replied that the bouncer was checking ID's. The party in question did not have hers, but the bartender, Dawn, said she knew her and they had gone out before, so she vouched for her. Ald. Weigel said the identification should be shown everytime. Ald. Roadt commented that Mr. Barczak's establishment has quite a number of incidents. He stated that other establishments, for the same period of time, have virtually no problems.

A motion was made by Ald. Sengstock, seconded by Ald. Weigel, that this matter be Recommended to be Placed on File. The motion carried by the following vote:

Votes: Aye: 4 - Ald. Czaplewski, Ald. Roadt, Ald. Sengstock and Ald. Weigel
No: 0

Ald. Barczak was now present for the remaining portion of the Agenda.

Ald. Sengstock excused himself from the discussion of Agenda Items no. 12 and 13.

Present: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel

Excused: 1 - Ald. Sengstock

12. [2009-0656](#) Police Department Report involving Jim's Oval Bar, 9141 W. National Ave. (2009-2010 Class B Tavern License no. 717, and Dance Hall License no. 719 of Henry Enterprises Ltd., James F. Henry, Agent, Incident Date: September 27, 2009.)
- Appearance by James F. Henry and Janel A. Deprey. Lt. Morrissey asked Mr. Henry why he did not stop buying liquor retail after the Police found violations in his establishment on September 26. Mr. Henry said he did not know anything about the previous complaint until October 20, 2009 when the State Investigators were there. Ald. Czaplewski stated there could be criminal charges for buying liquor from retailers for use in the bar, and that you cannot buy larger bottles in order to pour them into smaller ones, known as marrying. He said there are a number of facts from the State, and they will most likely visit again. He was directed to follow the alcohol beverage laws. Attorney Merten indicated that a Summons and Complaint would be issued for him to appear in Municipal Court.*
- This Matter was Recommended to be Placed on File on a Block Vote.**
13. [2009-0657](#) Police Department Report involving Jim's Oval Bar, 9141 W. National Avenue (Janel A. Deprey, 2009-2011 Tavern Operator License no. 11-107, Incident Date: September 27, 2009).
- See legislative file no. 2009-0656.*
- This Matter was Recommended to be Placed on File on a Block Vote.**

Passed The Block Vote

A motion was made by Ald. Weigel, seconded by Ald. Roadt, including all the preceding items marked as having been adopted on a Block Vote. The motion carried by the following vote:

Votes: Aye: 4 - Ald. Barczak, Ald. Roadt, Ald. Czaplewski and Ald. Weigel
No: 0

Ald. Sengstock was now present for the remaining portion of the Agenda.

Present: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
Excused: 0

14. [2009-0658](#) Police Department Report regarding September 16, 2009 Alcohol Compliance Check involving ten (10) West Allis businesses, resulting with two (2) selling alcohol to an underage person without requesting identification (2009-2010 Combination Class A Liquor License no. 1080 and Cigarette License no. 1081 of Dilneet Corporation, Rupinder K. Randhawa, Agent, d/b/a West Allis Liquor & Tobacco, 7218 W. Greenfield Ave.).
- Nonappearance of Rupinder K. Randhawa. Mr. Randhawa did not contact the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.*
- Held**

15. [2009-0659](#) Police Department Report regarding September 16, 2009 Alcohol Compliance Check involving ten (10) West Allis businesses, resulting with two (2) selling alcohol to an underage person without requesting identification (2009-2010 Combination Class A Liquor License no. 935 and Cigarette License no. 1030 of Mohinder S. Dhillon, d/b/a Dhillon Beer & Liquor, 5832 W. Burnham St.).

Appearance by Mohinder S. Dhillon. Mr. Dhillon told the Committee that a family member was covering for him and he did not speak or understand English very well. Ald. Czaplewski suggested someone else needs to fill in, or to lock the store up until proper coverage can be found. He questioned the ability of the family member to be able to take the proper amount of money or give correct change back.

A motion was made by Ald. Sengstock, seconded by Ald. Weigel, that this matter be Recommended to be Placed on File. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

16. [2009-0612](#) 2009-2011 Tavern Operator license application no. 11-379 of Rebecca L. Finney.

Nonappearance of Rebecca L. Finney. Ms. Finney did not contact the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.

Held

17. [2009-0669](#) 2009-2011 Tavern Operator License application no. 11-393 of James L. Bultynck.

Nonappearance of James L. Bultynck. Mr. Bultynck contacted the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.

Held

F. OTHER MATTERS TO COME BEFORE THE COMMITTEE FOR DISCUSSION/ACTION

18. [2009-0689](#) Discussion relative to delinquent real estate taxes for 5630 W. Lincoln Ave., DDT Bobblehedz, Inc., David P. Bickler, Sr.

Nonappearance by David P. Bickler, Sr. Mr. Bickler contacted the City Attorney's Office and signed a payment agreement.

Discussed and Consensus Given

19. [2009-0691](#) Discussion relative to delinquent taxes for 5921 W. Beloit Rd., Scardina Bakery & Delicatessen, Fred Scardina.

Appearance by Vincent Scardina and Susan Scardina. Mr. Scardina said they contacted the City Attorney's Office and made this month's payment. They asked to have the payment due date changed. They were advised to contact Attorney Merten to discuss this option.

Discussed and Consensus Given

20. [2009-0679](#) Discussion regarding calls of service for the property address of 1456 S. 92 St. and Wild Bill's Saloon located at 1454 S. 92 St. during the period of January 1, 2007 thru September 24, 2009.

Appearance by William P. Savage. Mr. Savage told the Committee he has a trustworthy tenant in the apartment complex to keep an eye on things and feels there will be improvement. He said he is being more selective on who he rents to. Lt Morrissey asked Mr. Savage if he owned the address at 1464 because there is a group of juveniles just hanging out there. Mr. Savage replied it is not his property and he feels the apartments next door to his have some issues.

Ald. Barczak commented that things seem to be going in the wrong direction and hopes there will be improvement.

Discussed and Consensus Given

21. [2009-0587](#) Discussion relative to cigarette and tobacco products license application.

Monica Schultz, Assistant City Clerk, presented to the Committee the Application for Cigarette and Tobacco Products from the Wisconsin Department of Revenue. The Committee discussed question no. 4 on the application and options for enforcing it. Ald. Weigel addressed the possibility of an Ordinance that would tie in to this application. It was suggested that the members of the Committee and Assistant City Clerk go to SmokeCheck.org, take the tobacco sales training, and discuss using the Wisconsin Department of Revenue's application in the future.

Discussed

22. [2009-0610](#) Discussion regarding committee action on licenses relative to uncharged or dismissed offenses.

Ald. Czaplewski asked Atty. Merten if a judgment is made at Municipal Court, but dismissed in Milwaukee County Circuit Court, can the Municipal Court's decision still be used as a basis to suspend or revoke a license. Atty. Merten replied that the facts of the incident could be used as a basis to suspend or revoke.

Discussed and Consensus Given

23. [2009-0690](#) Discussion relative to increasing various license fees in Chapter 9 of the Revised Municipal Code.

Monica Schultz, Assistant City Clerk, reviewed the proposal for an increase in fees for various licenses in Chapter 9 of the Revised Municipal Code. The new fee of \$7.00 for any license needing a police background check was discussed and agreed that this cost from the Department of Justice shall be collected from the license applicant. An Ordinance will be introduced at the next Common Council meeting.

Discussed and Consensus Given

24. [2009-0692](#) Discussion regarding quota for Class B liquor licenses.

The Committee discussed an Ordinance to lower the Municipal quota on the number of Class B Licenses from 128 to 125. It was determined that even lowering the quota by three (3), there would still be two (2) Class B Licenses available. The Ordinance will be introduced at the next Common Council meeting.

Discussed and Consensus Given

G. ADJOURNMENT

A motion was made by Ald. Barczak, seconded by Ald. Weigel, to adjourn at 7:30 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*