



of West Allis 7525 W. Greenfield Ave. West Allis, WI 53214

# City of West Allis Matter Summary

File Number	Title	Status
2010-0551	Report	Introduced
	(2010-2011 Class B Tavern Licer	ing Yester Years Pub & Grill, 9427 W. Greenfield Ave. nse no. 760, Dance Hall License no. 763, and Instrumental Years Pub & Grill, Inc., Karen D. Schoenfeld, Agent, Incident
	Introduced: 9/21/2010	Controlling Body: License & Health Committee

COMMITTEE	RECOMM	ENDATION _	Place	conf	file		
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## STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL

#### **ADMINISTRATION & FINANCE**

#### PUBLIC WORKS SAFETY & DEVELOPMENT

Chair: Kurt E. Kopplin Vice-Chair: Vincent Vitale Thomas G. Lajsic

Chair: Gary T. Barczak Vice-Chair: Martin J. Weigel Michael J. Czaplewski Richard F. Narlock Daniel J. Roadt James W. Sengstock Rosalie L. Reinke

Chair: Thomas G. Lajsic Vice-Chair: Richard F. Narlock Kurt E. Kopplin Rosalie L. Reinke Vincent Vitale

#### LICENSE & HEALTH

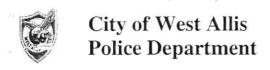
Chair: Michael J. Czaplewski Vice-Chair: James W. Sengstock Gary T. Barczak

Daniel J. Roadt Martin J. Weigel

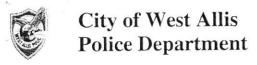
#### ADVISORY

Chair: Rosalie L. Reinke Vice-Chair: Daniel J. Roadt

Kurt E. Kopplin Richard F. Narlock Vincent Vitale



### **Liquor Establishment Violation** Date: 8/16/2010 To: Lieutenant Terry Morrissey Officer Tuschl, Robert From: Violation Type Tavern Violation Bartender Violation Restaurant Violation Liquor Store No Violation but the Incident is Liquor License Related N/A Incident #: 10-007471 N/A Location: 9427 W. Greenfield Ave N/A Establishment Name: Yester Years Pub $\nabla$ N/A Establishment License #: N/A Establishment Owner: Karen D. Schoenfeld 2460 Graylog LN N/A Owner Address: New Berlin, WI 53151 Phone Number (262) 782-3863 N/A Violation(s): Disorderly Conduct N/A Offender: John G. Kohal 3442 N. 95th St N/A Offender Address: Milwaukee, WI 53222 N/A Offender: N/A Offender Address: N/A Offender: N/A Offender Address: N/A Offender: N/A Offender Address: Additional Offenders listed in Incident Report narrative: Yes No Reviewed by Commanding Officer: Captain Fujinaka Copy of Incident Report Attached to Liquor Laws Violation Report: Yes X N/A Commanding Officer Signature: Patrick Frymaka X8122



## **Liquor Establishment Violation**

Reviewed by Deputy Chief Jerry Ponzi:

Copy forwarded to License and Health Committee: Date:

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00747	: Report Date:	Раугоіі Митрег: Раугоіі Митрег				Reporting Officer(s):
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### West Allis Police Department

Continuation

Incident Report Number 10-007471

9427 W Greenfield Ave, West Allis, WI, 53214

incident Date: 08/10/2010

#### NAMES

#### Victim

Fagan, Joann L W/F-21 of 645 S 104 St, West Allis, WI, 53214

DOB: 05/26/1989 DL: F250-4328-9686-03

HT: 509 WT: 130 Hair: Brown

Eves: Brown Complexion: Light Brown

Home Phone: (414) 774-6570

#### Business

Yester Years Pub And Grill of 9427 W Greenfield Ave, West Allis, WI, 53214

Business Phone: (414) 476-9055

#### Witness-1

Hankins, Jon R W/M-44 of N51 W 14507 Jacklin CT, Menomonee Falls, WI, 53051

DOB: 11/06/1965

Cell Phone: (262) 894-2465

Landis, Sidney T W/F-22 of 3502 W NATIONAL AVE, MILWAUKEE, WI, 53215

DOB: 02/01/1988 DL: L532-7988-8541-01

HT: 504

WT: 116 Hair: Brown

Eves: Green

Other Phone: (414) 554-2348

NARRATIVE

Officer Tuschl reports...

#### INITIAL RESPONSE/OBSERVATIONS

On 08/10/10 at about 0040hrs I responded to Yester Years Pub & Grill, located at 9427 W. Greenfield Ave for a report of seven people fighting inside the bar. When I arrived on scene I observed two females (later identified as Jessica L. Rasmussen & Joann L. Fagan) walk out of the bar and then E/B on W. Greenfield Ave. A female (later identified as Sidney T. Landis) who identified herself as the bartender on duty, stated both of those girls were involved in this incident. I ordered both females to stop walking, so I could figure out what was going on and their role in the potential fight. Both females followed my order and stopped walking and I had them sit on the curb.

When both of them sat down, Sidney then told me the party that was causing the fight inside the bar was being "held down" inside the bar by several patrons. Officer Kuhnmuench had arrived on scene at this point and we both entered the bar. Once I entered the bar I observed two unidentified bar patrons holding down

Reporting Officer(s):	ID Number	ID Number	Pages::
Tuschl, Robert .	9590		2 Of 4

### West Allis Police Department

Continuation

Incident Report Number

Incident Location:

9427 W Greenfield Ave, West Allis, WI, 53214

Incident Date: 08/10/2010

a M/W (later identified as John G. Kohal). I ordered both parties to get off John, and they complied with my request. Officer Kuhnmuench and I then proceeded to handcuff John for further investigation into this incident.

As I was walking Kohal out of the bar I could detect a strong odor of an intoxicant on his breath, and observed his shirt was ripped. Kohal stated he had no idea what happened and did not remember a fight happening in the bar.

After speaking with John, I made contact with Jon R. Hankins inside the bar, who identified himself as a friend of Kohal for a couple of years.

#### ON-SCENE STATEMENT OF JON R. HANKINS- WITNESS

Hankins stated he was with Kohal at Yester Years for their "fishing club meeting". Hankins stated after the meeting was long over, he observed Kohal walk into "the back area of the bar" while he remained seated at the bar. Hankins said the next time he observed Kohal he was walking back towards where he was seated, but he was "fighting the entire bar". Hankins stated he has no idea how the fight started between Kohal and everyone else. Hankins sensing that Kohal could get potentially hurt by fighting multiple people, "jumped on top" of him and took him to the ground. Hankins said by doing that he was hopefully Kohal and everyone else would stop fighting and no one would get hurt.

Hankins said at this point Sidney told Kohal to leave the bar but he refused to do so. Hankins had no idea why Kohal refused to leave the bar, but stated whenever he drinks "liquor" he gets "really crazy". Hankins stated instead of leaving the bar, Kohal got up and "started fighting the entire bar again". Hankins said it was around this point, Officers came into the bar and took Kohal away.

#### ARREST DECISION

After reviewing this incident with the other Officers on scene and based upon victim and witness statements it was determined to place John under arrest for Disorderly Conduct. I walked over to where John was located and advised him of this.

He was then transported in the back of my Police squad to the station without incident.

#### IN-CUSTODY STATEMENT OF JOHN G. KOHAL- OFFENDER

I asked John G. Kohal if he wanted to answer questions about this incident without his attorney present and he declined to do so. Based upon that reason I did not ask John any further questions.

#### PROCESSING

Reporting Officer(s):	ID Number	ID Number	Pages::
Tuschl, Robert .	9590		3 Of 4

# West Allis Police Department Continuation

Incident Location: 9427 W Greenfield Ave, West Allis, WI, 53214 08/10/2010

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John was booked, mugged and fingerprinted under W.A.P.D# 51940 and Booking#

#### ATTEMPTED RETRIEVAL OF VIDEO SURVEILLANCE

On the evening of 08/10/10, I responded back to Yester Years Pub & Grill to see if there was any working video surveillance of the fight inside the bar. I spoke with bar employees who advised their video surveillance system was not working.

#### CASE DISPOSITON

John was issued a Municipal citation for Disorderly Conduct and given a local court date of 09/13/10 at 0830hrs. He was then released from the Police station.

.O.D eta cont benata and turned into the C.O.

Please see supplement report from additional Officers on this incident.

Reporting Officer(s): Pages:: A Of 4 Of 4 Tuschl, Robert . Pages::

West Al	lis Police Department	Supplementary Report			
ncident Report Number	Incident Location: 9427 W Greenfield	Ave, West Allis, W	WI, 53214	Incident Date: 08/10/2010	
New Incident:		Original CFS Code-1: 5311	New CFS Code-1:	New CFS Code-2	

#### NARRATIVE

PO Noche reports:

#### INITIAL RESPONSE

On 08/10/2010 at 0040 hours, I responded to Yesteryear's, 9427 W Greenfield Ave, to assist PO Tuschl with an DC investigation. I spoke with one of the victims, Joann Laurain Fagan  $(f/w\ 05/26/1989)$ , at the scene.

#### VICTIM STATEMENT - FAGAN

Joann stated she was frequenting Yesteryear's with her friend, Jessica L. Rasmussen (f/w 09/05/1988), during the evening of the incident. Joann and Jessica were playing darts inside of the bar and speaking with the offender's, John G. Kohal's (m/w 06/07/1971), three friends about angling and other leisurely outdoor recreational activities.

While Joann and Jessica were playing darts, John interfered and took the darts away from Joann. Joann told John that she and Jessica were in middle of a game and that he could play when they were finished. John became extremely agitated and continued to interfere with Jessica's and Joann's game by grabbing the darts. Joann told John to leave her alone and to go else where.

John became extremely upset and began to yell at Joann. Jessica positioned her body between Joann and Jessica in an attempt to diffuse the situation. John swung his fist at Joann and struck on the left side of the head. John proceeded to grab Joanns throat and slammed her head on a table. During the physical altercation Joann's strapless shirt was pulled down exposing her bare breasts.

Three male blacks came to Jessica's aid and subdued John until WAPD arrived.

#### LACK OF CONSENT

Joann did not give John consent to punch her, slam her head against a table, grab her throat or pull her shirt down, exposing her breasts.

Reporting Officer(s):			Payroll Number:	Payroll Number:	Report Date:
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#### NARRATIVE

Pto Kuhnmuench, 08/10/10, 0040hrs...

### Initial Call:

Officers were dispatched to 9427 W Greenfield Ave (Yester Years Pub) for a fight. I arrived on scene and was advised by several patrons outside of the bar that the problem was a M/W inside. I entered the bar and observed a M/W later identified as John G Kohal M/W 06/07/71 being held down by two males. Pto Tuschl advised the male to get off of Kohal and I assisted him in handcuffing him. I then began to speak with the caller Sidney T Landis F/W 02/01/88 (Bartender).

#### On Scene Statement of Sidney T Landis:

On scene I spoke with Landis in front of the tavern. Landis stated she had called because Kohal was out of control inside of the bar. Landis explained Kohal had arrived at the bar at approx. 1800hrs and began drinking with friends. Landis said Kohal Wobal was not a problem initially and was talking with friends. Landis stated two females walked into the bar and sat at the other end of the bar. Landis said Kohal walked over to the other side of the bar and bought the two females a drink. Landis said Kohal and the females began to play pool and everything appeared normal.

Landis said while she was bartending she heard a female scream and at first ignored it. Landis said the screaming continued and she realized someone needed help. Landis said she looked into the pool area to see Kohal Laying on top of one of the females. Landis said she immediately called 911 because he female needed help. Landis explained several patrons tried to stop Kohal from attacking the female and he became violent. Landis said Kohal began "swinging" at everyone and acting out of control.

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