

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

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**In the Matter of the Licenses of Milwaukee Entertainment, LLC  
D/b/a Heartbreaker's**

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AMENDMENT TO OPERATION PLAN

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**WHEREAS**, on January 1, 2016, an armed patron entered Heartbreaker's tavern during regular operating hours, discharged his firearm, and was arrested for recklessly endangering safety; and

**WHEREAS**, due to this incident, the License and Health Committee was concerned about the health, safety, and welfare of the City's citizens and employees and ordered Milwaukee Entertainment, LLC, d/b/a Heartbreaker's, to appear at its January 26, 2016 meeting to discuss the above-referenced incident; and

**WHEREAS**, Steven Pohlabel II, the agent for Milwaukee Entertainment, LLC's licenses, and Attorney John Fuchs appeared on behalf of Milwaukee Entertainment, LLC at the meeting and voluntarily agreed to submit a security plan to the License and Health Committee so that Heartbreakers may avoid future problems and avoid any enforcement action from the Committee for its current and future licenses; and

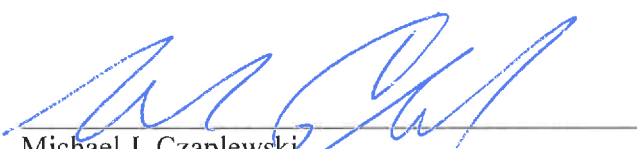
**WHEREAS**, on February 8, 2016, Milwaukee Entertainment, LLC submitted a security plan to the License and Health Committee and Police Department for their review; and

**WHEREAS**, the License and Health Committee, at its February 23, 2016 meeting, approved the security plan submitted by Milwaukee Entertainment, LLC and a recommendation from the Police Department in regard to the submission of video recordings upon an officer's request; and

**WHEREFORE:** pursuant to West Allis Revised Municipal Code Section 9.02(4)(e), Milwaukee Entertainment, LLC, by license agent Steven Pohlabel, doing business as Heartbreaker's, hereby agrees to the following amended operation plan for the licensed premises at 9440 West National Avenue:

1. That the operation plan submitted on or about May 16, 2014 and previously approved by the Common Council and any amendments to that plan, attached as Exhibit A and hereby incorporated by reference, shall continue in full force and effect;

2. That the operation plan shall be amended to include the Security Plan, attached as Exhibit B and incorporated herein by reference;
3. That the operation plan shall be amended to include the provision that Milwaukee Entertainment, LLC and any of its employees must turn over any video recordings located from its security cameras or in its control to any police officer, within 48 hours of the officer's request;
4. That these restrictions may not be altered without the consent of the License and Health Committee of the West Allis Common Council.



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Michael J. Czaplewski  
License & Health Committee  
West Allis Common Council

3-1-16  
Date

## PLAN OF OPERATION

1. Name of License Applicant (Individual, Corp, LLC, Partners)		
Milwaukee Entertainment LLC		
2. Name of Corporate or LLC Agent, if applicable		
Neela Sivasathiyamoorthy		
3. Premises Address		
9440 W. National Avenue, <del>Milwaukee</del> <sup>Sweetfield</sup> , WI 53227		
4. Hours of Operation for the premises		
Sunday through Thursday: 11:00 AM to 2:00 AM (following day)		
Friday and Saturday: 11:00 AM to 2:30 AM (following day)		
5. Legal Occupancy Capacity of the Premises		
305		
6. Identify the number of parking spaces on the premises		
20 (do not include street parking, if none, write "0")		
7. Describe Percentage of sales (Must TOTAL to 100%)		
a) Alcohol Sales <u>60</u> %	c) Food Sales (if applicable) _____ %	
b) Entertainment Sales (if applicable) <u>35</u> % <small>(MUST have a license under Section 9.033 or 9.034)</small>	d) Other <u>5</u> %	
8. Is the premises less than 300 feet from any school, hospital, or church?		
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		
9. Types of Business, planned or currently conducted at the premises (choose all that apply)		
<input type="checkbox"/> Banquet Hall <input checked="" type="checkbox"/> Cocktail Lounge <input type="checkbox"/> Deli or Fast Food Restaurant <input type="checkbox"/> Hotel <input type="checkbox"/> Private/Fraternal/Veteran's Club <input type="checkbox"/> Tavern	<input type="checkbox"/> Bowling Alley <input type="checkbox"/> Convenience Store <input type="checkbox"/> Full Service Restaurant <input type="checkbox"/> Liquor Store <input type="checkbox"/> Sports Facility <input type="checkbox"/> Teen Club	<input type="checkbox"/> Café/Coffee Shop <input type="checkbox"/> Corner Store <input type="checkbox"/> Gas Station <input checked="" type="checkbox"/> Night Club <input type="checkbox"/> Supermarket Table Dancers <input checked="" type="checkbox"/> Other <u>Exotic Dancers &amp; Strippers</u>

Dated 05/16/2014

Exhibit A

## PLAN OF OPERATION

### SECURITY (attach additional sheets as necessary)

10. Describe the proposed security provisions for off-street parking and loading areas

24 hours security cameras on parking lot (4). Door and identity checkers during hours of operation that will respond to any disturbances in the parking lot.

11. Number of security personnel expected to be on the premises:

Sunday - Thursday 2

Friday and Saturday 4 to 5

12. Security personnel responsibilities

To check age identification and maintain order upon the property.

13. Equipment used by security personnel

Identification scanners and two way radios.

14. Presence and location of security cameras

Inside: 16 cameras throughout both levels of the building except bathrooms  
Outside: 4 cameras viewing parking lot and entrance

15. Will searches or identification verification be conducted?

YES, describe: Age identification will be conducted

NO

### LITTER AND NOISE (attach additional sheets as necessary)

16. Description of designated smoking area(s)

No designated smoking areas. Any smoking must be outside of building requiring identity verification to return inside building.

17. Identify the solid waste contractor hired by the applicant

Waste Management

18. The number and location of exterior and interior trash receptacles

Outside: 2 exterior dumpsters with enclosure

Inside: Multiple receptacles of various size throughout building as needed.

19. How will the exterior trash/littering be addressed?

The parking lot and areas surrounding the property are checked and trash and litter picked up two times daily

20. How will noise issues be addressed?

Door checkers will monitor noise in parking lot. All other noise is self contained within building.

## HEARTBREAKERS ADULT ENTERTAINMENT CLUB

### SECURITY PLAN

It is the policy of Heartbreakers Adult Entertainment Club to provide a safe environment for its patrons, employees and sub contractors, and to guide its security officers in the safe and reasonable performance of their duties. It is the strict policy of Heartbreakers, that no weapons will be allowed on the premises carried by patrons, employees or sub-contractors/performers. To accomplish these goals, the following security plan is provided to control and regulate security operations.

#### DEFINITIONS

Pat down search – A search of a person's outer clothing wherein a person runs his or her hands along the outer garments to detect any concealed weapons.

Use of force – The amount of effort required by security officers to compel compliance by an unwilling subject.

Weapon – Any item such as, but not limited to, a gun, knife, or club that is used for fighting or attacking someone or for defending oneself when someone is being attacked.

#### PROCEDURES

- Security staffing limits will be set at two (2) security officers Sunday through Thursday (weekday nights) and five (5) security officers on Friday and Saturday (weekend) nights.
- At no time, will any security officer be armed with a firearm.
- On weekend nights one security officer will be posted and monitor the upper bar area, one security officer will be posted and monitor the main bar, two security officers will perform duties at the entrance, and one security officer will stay mobile in and around the bar areas, providing relief for the other security officers, and checking the outside of the bar, paying special attention to the west side of the bar, as well as the parking lot area. Special attention should be paid to the exit doors in the upper and main bars, making sure that no unauthorized persons enter the establishment via these doors.
- The DJ will work closely with security as he has a good vantage point for the entire bar, and can observe patrons, performers and events which may be occurring.

Exhibit B

- All patrons must enter the establishment via the front entrance, so as to be able to pass through the front entrance security check point. Employees must not allow any patrons to enter the establishment via any other door.
- All persons entering the premises must be at least 21 years of age.
- All patrons entering the premises must show a government issued picture identification card.
- All patrons entering the premises shall be subject to a “pat down” search by security staff.
- Security staff will not “pat down” persons of the opposite sex, but shall utilize a hand-held metal detector/scanner which will remain at the front entrance area.
- All purses, handbags, waist packs, backpacks, or any other item carried into the establishment shall be searched by security staff.
- If any weapon and/or other item which may or may not be legal but not allowed in the establishment is discovered on the person of a patron, the patron will be afforded the opportunity to take the item(s) out and store it in his/her vehicle while inside the establishment. If the patron refuses, s/he will be asked to leave, and not return.
- If a patron causes a disturbance, interacts with a performer in an inappropriate manner, or commits any other act deemed by the security staff as being against the rules, the patron will be asked to leave.
- Security officers should use only the amount of force necessary to resolve an incident, or protect themselves or others from harm. If at all possible, the level of force used should include and begin with basic verbalization prior to the use of physical restraint or force.
- Should a patron become non-compliant to the security officer’s directions, and/or commands, and it becomes obvious that the offender will not comply with the directions given to him, and it becomes apparent that force may have to be used, the West Allis Police Department should be called and notified that there is trouble with a customer.
- When use of force is needed, security officers will assess each incident to determine which use of force option is believed to be appropriate for the situation and bring it under control in a safe and prudent manner. Security officers must use the amount of force that is objectively reasonable to overcome resistance in order to take lawful action. The level of control must be proportionate to the circumstances and the level of resistance encountered by the security officers.

- A security officer's goal is to regain control as soon as possible while protecting the other patrons and performers. Use of force is a security officer's last option — a necessary course of action to restore safety in the establishment when other practices are ineffective.