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City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2013-0463 Report Introduced

Police Department Report involving The Draft, 9105 W. Lincoln Ave. (2013-2014 Class B Tavern License no. 1821, Dance Hall License no. 1823 and Instrumental Music Dance Hall License no. 1822 of The Draft LLC, Paula K. Johnson, Agent, Incident Date: June 23, 2013).

Introduced: 8/6/2013

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG 27 2013	✓		Barczak	✓			
			Czaplewski	✓			
			Lajsic				
			May				
			Probst				
		✓	Reinke				
			Roadt	✓			
			Sengstock				✓
			Vitale				
			Weigel	✓			
			TOTAL	4	0		1

SIGNATURE OF COMMITTEE MEMBER

[Handwritten Signature]
Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
SEP 03 2013	✓	✓	Barczak	✓			
			Czaplewski	✓			
			Lajsic				✓
			May	✓			
			Probst	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	9	-		1

UNANIMOUS

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL**

ADMINISTRATION & FINANCE

Chair: James W. Sengstock
Vice-Chair: Vincent Vitale
Thomas G. Lajsic
Michael P. May
Cathleen M. Probst

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplewski
Rosalie L. Reinke
Daniel J. Roadt

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Cathleen M. Probst
Michael P. May
Rosalie L. Reinke
Vincent Vitale

LICENSE & HEALTH

Chair: Michael J. Czaplewski
Vice-Chair: Daniel J. Roadt
Gary T. Barczak
James W. Sengstock
Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Michael P. May
Cathleen M. Probst
Daniel J. Roadt
Vincent Vitale



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
www.westalliswi.gov
Paul M. Ziehler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

August 16, 2013

Ms. Paula K. Johnson
The Draft, LLC
d/b/a The Draft
9105 W. Lincoln Ave.
West Allis, WI 53227

Dear Ms. Johnson:

The Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, August 27, 2013, at 6:00 PM, in the Common Council Chambers, West Allis City Hall, 7525 W. Greenfield Ave., regarding an incident, which occurred on June 23, 2013.

A copy of the incident is being sent to your home address.

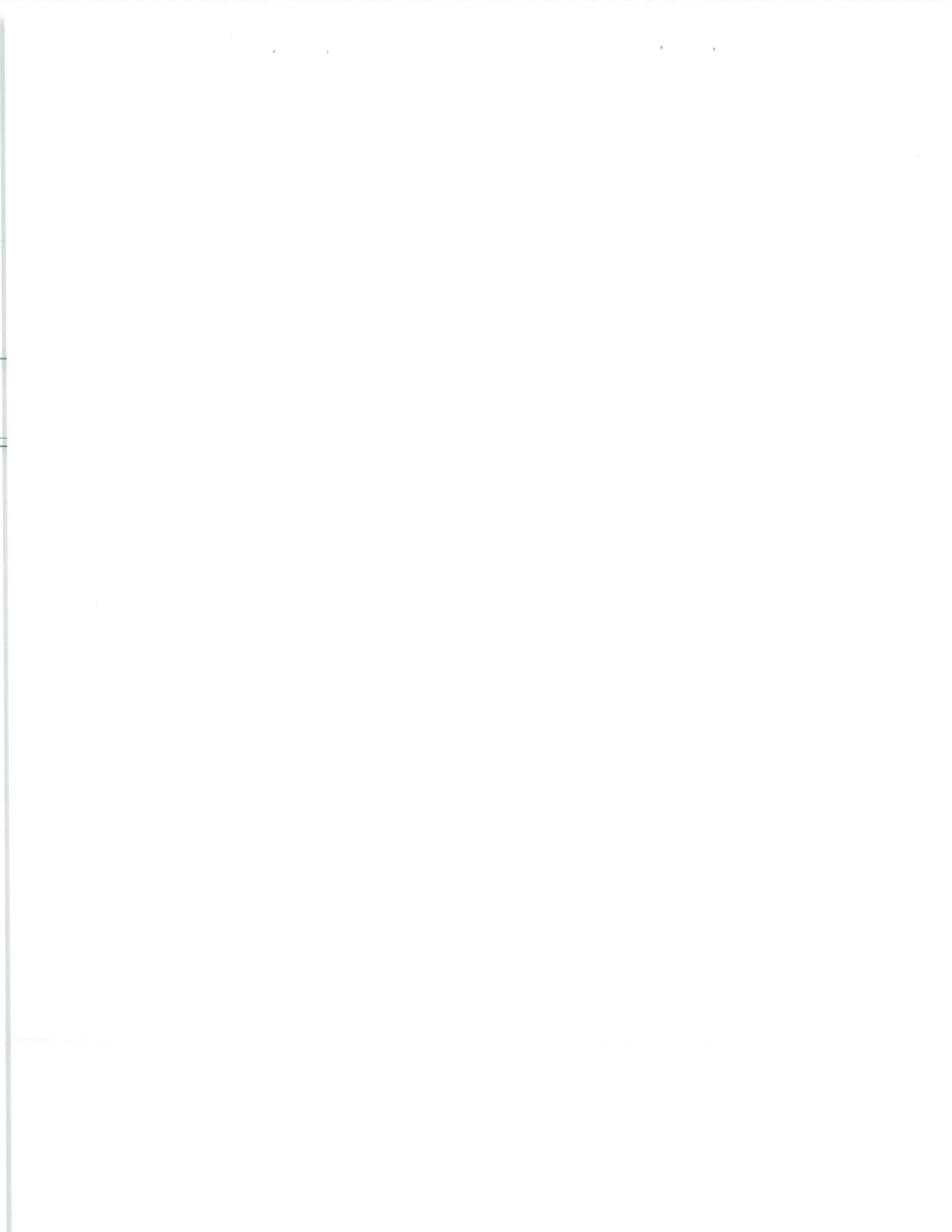
Sincerely,

Monica Schultz
/amn

Monica Schultz
Assistant City Clerk

/amn

cc: Paula K. Johnson (home enclosure)



2013-0463

VIOLATIONS/CALLS FOR SERVICE

9105 W. Lincoln Ave., The Draft, Paula K. Johnson, Agent,
The Draft, LLC

<u>Final Action Date</u>	<u>File Number</u>	<u>Jacket Number</u>
	2013-0463	
10-02-12	2012-0533	52
07-03-12	2012-0325	50

Heros Sports Bar & Grill, Joshua J. Johnson, Agent, International Development LLC

12-20-11	2011-0725	44
10-04-11	2011-0568	5 (Summons & Complaint)
10-04-11	2011-0550 (9 incidents)	7
10-04-11	2011-0514 (5 incidents)	6
08-02-11	2011-0444 (2 incidents)	10
08-02-11	2011-0431 (2 incidents)	9
06-07-11	2011-0302 (2 incidents)	28
04-19-11	2011-0195	79

West Allis Moose Lodge #1019, Paul B. Stoppenbach

None.

Prior to Legistar

Nothing



City of West Allis Police Department

Liquor Establishment Violation

Date: 06/23/13
To: Lieutenant Ed Benish
From: Officer Schweitzer

Violation Type

- Tavern Violation
 Bartender Violation
 Restaurant Violation
 Liquor Store
 No Violation but the Incident is Liquor License Related

Incident #: 13-005540 N/A

Location: 9105 W Lincoln Ave N/A

Establishment Name: Draft Bar N/A

Establishment License #: 13-00001821 N/A

Establishment Owner: Paula K Johnson, F/W, 05/18/64 N/A

Owner Address: 2733 S 83 Pl, West Allis, WI, 53219 N/A

Violation(s): Disorderly Conduct (3) N/A

Offender: Daniel L Casarez, M/W, 09/13/83 N/A

Offender Address: 1030 S Layton Blvd, Milwaukee, WI, 53215 N/A

Offender: Kondwani H Harleaux, M/B, 09/25/84 N/A

Offender Address: 5822 N 93 St, Milwaukee, WI, 53225 N/A

Offender: Bryan L Kainz, M/W, 03/24/87 N/A

Offender Address: 3353 S Sunnslope Rd, 306, New Berlin, WI, 53151 N/A

Offender: N/A

Offender Address: N/A

Additional Offenders listed in Incident Report narrative: Yes No

Reviewed by Commanding Officer: Cpt Versnik

Copy of Incident Report Attached to Liquor Laws Violation Report: Yes N/A

Commanding Officer Signature:

Reviewed by Deputy Chief Jerry Ponzi:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Date: 06/23/2013

CFS Code-1: 1313

Incident Report Number:

13-005540

Incident: Simple Assault			
Incident Report Number: 13-005540	Between: Date - Time	And/At: Date-Time 6/23/13	02:04
Incident Location: 9105 W Lincoln Ave;WA, West Allis, WI, 53227			
CFS Code-1: 1313	CFS Code-2:	CFS Code-3:	Offense Code-4:
CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:

O	Name (Last, First, Middle) Casarez, Daniel Lee	DOB: 09/13/1983	Race/Sex W/M
Address: (Address, City, State, Zip) 1030 S Layton Blvd, Milwaukee, WI, 53215			Home Phone Number
Employer			Work Phone Number
Employer Address			Cell Phone Number (414) 763-9556
O	Name (Last, First, Middle) Harleaux, Kondwani H	DOB: 09/25/1984	Race/Sex B/M
Address: (Address, City, State, Zip) 5822 N 93 St, Milwaukee, WI, 53225			Home Phone Number
Employer			Work Phone Number
Employer Address			Cell Phone Number (414) 639-8392

SUMMARY

Officer Schweitzer reports...Disorderly Conduct at the Draft Bar, 9105 W Lincoln Ave, on 06/23/13 at approximately 0204 hrs. While on patrol, traveling westbound on W Lincoln Ave, I observed two parties fighting on the grass near the sidewalk on S 91 St outside of the Draft Bar. Daniel L Casarez, M/W, 09/13/83 and Bryan L Kainz, M/W, 03/24/87 were actively involved in a fight while I arrived on scene. Both parties were taken into custody without incident. Witness's on scene advised a black male also involved in the fight ran away before officers arrived. Kondwani H Harleaux, M/B, 09/25/84 was later found hiding behind a dumpster by the apartments behind the Draft Bar. All three parties were arrested for Disorderly Conduct and brought back to the station for booking. Daniel was placed on a P&P Hold. Bryan and Kondwani were later released.

Vehicle Information: (Year, Make, Model, Style, Color)				
License Number:	State:	Expiration Year:	Vin:	Insurance Company:
Other Vehicle Information:			NCIC#	
Reporting Officer(s): Schweitzer, Adam		Payroll Number: 9905	Payroll Number:	Report Date:
Time Received: 02:04:18	Time Cleared: 02:28:40	Unit(s) Assigned: 311, 312, 315, 316, 317,	Pages: 1 Of 5	
Reviewed by: Manz, Tracy		Payroll Number 9656	Copy To	

West Allis Police Department

Continuation

Incident Report Number 13-005540	Incident Location: 9105 W Lincoln Ave;WA, West Allis, WI, 53227	Incident Date: 06/23/2013
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NAMES

Offender

Kainz, Bryan Lee W/M-26 of 3353 S Sunnyslope Rd, 306, New Berlin,WI,53151
 DOB: 03/24/1987 DL: K520-0728-7104-08
 HT: 600 WT: 155 Hair: Brown
 Eyes: Blue Complexion: Fair
 Cell Phone:(262) 439-9411

Booking#: 13-002890

Case#	Charge	Description	Ct
13-005540	WA-947.01(1)	Disorderly Conduct Battery	1

Victim-1

Casarez, Daniel Lee W/M-29 of 1030 S Layton Blvd, Milwaukee,WI,53215
 DOB: 09/13/1983 DL: C262172833308
 HT: 509 WT: 175 Hair: Black
 Eyes: Brown Complexion: Light Brown
 Cell Phone:(414) 763-9556 Other Phone:(414) 389-1879

Booking#: 13-002891

Case#	Charge	Description	Ct
13-005540	90Z4	Warrant Other Department	1
13-005540	WA-947.01	Disorderly Conduct	1

Victim-2

Kainz, Bryan Lee W/M-26 of 3353 S Sunnyslope Rd, 306, New Berlin,WI,53151
 DOB: 03/24/1987 DL: K520-0728-7104-08
 HT: 600 WT: 155 Hair: Brown
 Eyes: Blue Complexion: Fair
 Cell Phone:(262) 439-9411

Booking#: 13-002890

Case#	Charge	Description	Ct
13-005540	WA-947.01(1)	Disorderly Conduct Battery	1

West Allis Police Department

Continuation

Incident Report Number 13-005540	Incident Location: 9105 W Lincoln Ave;WA, West Allis, WI, 53227	Incident Date: 06/23/2013
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Victim-3

Harleaux, Kondwani H B/M-28 of 5822 N 93 St, Milwaukee,WI,53225
 DOB: 09/25/1984 DL: H6425088434507
 HT: 506 WT: 150 Hair: Black
 Eyes: Black Complexion: Black
 Cell Phone:(414) 639-8392

Booking#: 13-002892

Case#	Charge	Description	Ct
13-005540	WA-947.01(1)	Disorderly Conduct Battery	1

Witness

Kroll, Patrick T W/M-46 of 6421 Powell Place, Wauwatosa,WI,53213
 DOB: 03/25/1967
 Cell Phone:(414) 207-5564

Contact-1

Warren, Timothy M B/M-47 of 2083 S 76 St, West Allis,WI,53219
 DOB: 10/10/1965 DL: W650-8136-5370-01
 HT: 603 WT: 220 Hair: Black
 Eyes: Brown

Contact-2

Johnson, Paula K W/F-49 of 2733 S 83 Pl;WA, West Allis,WI,53219
 DOB: 05/18/1964 DL: J525-6716-4678-09
 HT: 507 WT: 135 Hair: Bald/Shaved
 Eyes: Green
 Other Phone:(414) 406-6460 Other Phone:(414) 406-6460

NARRATIVE

CALL FOR SERVICE

On 06/23/13 at approximately 0204 hrs, while traveling westbound past the Draft Bar, on W Lincoln Ave. I observed two male parties involved in a physical altercation, the two males were in a standing position and had their arms wrapped around each other. I turned my marked WAPD squad around and turned southbound on S

West Allis Police Department

Continuation

Incident Report Number
13-005540

Incident Location:
9105 W Lincoln Ave;WA, West Allis, WI, 53227

Incident Date:
06/23/2013

91 St. I observed the two male parties on the ground, continuing to fight. I exited my squad car and announced myself as a West Allis Police Officer. The two male parties continued to fight with each other. At this time, I tackled the party who was on top of the other male. After I seperated the two parties, I was able to place that male, later idenitfied by WI/DL as, Daniel L Casarez, M/W, 09/13/83, into handcuffs without incident. I then placed the other male, later identified as, Bryan L Kainz, M/W, 03/24/87 into handcuffs without incident. At this time Officer Gold arrived on scene and walked Bryan to his squad car. I walked Daniel over to my marked squad car. While walking Daniel over to my squad car, witness's advised a black male who was involved in the altercation ran away before officers arrived on scene.

ARREST OF KONDWANI H HARLEAUX

See Officer Said's Supplemental Report

ON SCENE STATEMENT OF BRYAN KAINZ

See Officer Gold's Supplemental Report

ON SCENE STATEMENT OF DANIEL CASAREZ

I asked Daniel what happened. Daniel advised, he came to pick up his friend, Jose who was drinking at the Draft. He found Jose inside of the bar and advised him he was ready to go. Jose told Daniel he would be ready in about five-ten minutes. Daniel told Jose he would be waiting inside his /vehicle. Daniel exited the Draft through the side door, on the eastside of the building, leading to a balcony. Daniel jumped off the balcony and was confronted by a black male, later identified as, Kondwani H Harleaux. Kondwani started calling Daniel by a male hispanic name. Daniel told Kondwani that's not my name. Kondwani walked to up to Daniel and said, you are him. Daniel told Kondwani, "It's not fucking me". Kondwani then swung at Daniel, hitting him in the face. Daniel could not advise if Kondwani hit him in the face with an open or closed hand. While fighting with Kondwani, a white male, later identified as, Bryan L Kainz, came up to Daniel and started to choke him. I asked Daniel if he ever said anything to Bryan to provoke him. Daniel said he never said anything to Bryan at anytime.

I asked Daniel if he ever said anything else to Kondwani to provoke him. Daniel said he did not say anything else to Kondwani except that he was not the guy he was looking for. I told Daniel it was hard to believe he did not provoke Kondwani before he started punching him. Daniel said he did not say anything else. It should be noted, while speaking with Daniel, I could smell a light to moderate odor of intoxicants emitting from Daniel. I asked Daniel if he had anything to drink. Daniel stated he had not consumed any alcohol during the evening. At this time, Daniel was placed in the back of my squad car and later transported to the station for the booking process.

Reporting Officer(s):
Schweitzer, Adam

ID Number
9905

ID Number

Pages:
4 Of 5

Incident Report Number
13-005540

Incident Location:
9105 W Lincoln Ave;WA, West Allis, WI, 53227

Incident Date:
06/23/2013

WITNESS STATEMENT

See Officer Gold's Supplemental Report

BOOKING

Daniel L Casarez was booked with WAPD Booking # 2013002891 for Disorderly Conduct. Daniel was issued Municipal Citation # M130028911 for Disorderly Conduct. A local court date has been set for 07/29/13 for 0830 hrs.

See Officer Gold's Supplemental Report for booking of Bryan L Kainz.
See Officer Said's Supplemental Report for booking of Kondwani H Harleaux.

PHONE CONTACT WITH PROBATION/PAROLE

On 06/23/13 at approximately 0243 hrs, I contacted Probation/Parole via telephone. Probation/Parole placed on hold on Daniel.

IN-CUSTODY STATEMENT OF BRYAN KAINZ

See Officer Gold's Supplemental Report

CASE DISPOSITION

On 06/23/13 at approximately 0204 hrs, I observed an active fight outside of the Draft. Three parties, Daniel Casarez, Bryan Kainz, and Kondwani Harleaux were arrested for Disorderly Conduct. A local court date of 07/29/13 has been set for all three parties involved.

West Allis Police Department

Supplementary Report

Incident Report Number 13-005540	Incident Location: 9105 W Lincoln Ave;WA, West Allis, WI, 53227	Incident Date: 06/23/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Officer Gold Reports...

INITIAL RESPONSE

On 06/23/13 at approx. 0204hrs. I responded to The Draft tavern as Officer Schweitzer radioed he was out with a fight in progress. On arrival Officer Schweitzer had two male parties detained and one of them identified as the intoxicated Bryan L. Kainz M/W 03/24/87 was turned over to me.

INITIAL STATEMENT OF BRYAN L. KAINZ

I asked the intoxicated Bryan what happened this evening and he stated he was at the tavern with two friends. One of these friends was later identified as Kondwani H. Harleaux M/B 09/25/84. Bryan stated when they were leaving the tavern and were walking on the sidewalk in the 2300 block of S. 91 St. an unknown male party jumped off the deck of the bar and yelled at Bryan and his friends. Bryan stated this male party yelled, "You guys wanna go?...You fucking bitches!" Bryan stated the male party then attacked him and punched Bryan once in the face which caused his glasses to fall off his head.

I then asked Bryan is the person who attacked you standing with Officers about twenty feet from where he and I are and he stated no. The male party that Bryan was unable to identify as the person who attacked him was Daniel L. Casarez M/H 09/13/83.

Bryan was then secured in the rear of my squad car and later conveyed to the WAPD for booking.

STATEMENT OF PATRICK T. KROLL

After speaking with Bryan I made contact with Patrick T. Kroll M/W 03/25/67 who was standing on a apartment porch across the street when the incident took place. Patrick stated he was on the balcony when he began hearing people at the tavern arguing on the outside deck. Patrick stated the male party later identified as Daniel L. Casarez jumped off the deck and began fighting with Bryan and another two male parties on the sidewalk. Patrick positively identified Daniel, Bryan and Kondwani H. Harleaux as actors in the fight. Patrick stated Kondwani was the male party who ran off behind the bar, however he believed there was another unknown M/B involved but was unable to provide a further description of him.

BOOKING

Reporting Officer(s): Gold, Timothy	Payroll Number: 9589	Payroll Number:	Report Date: 06/23/2013
Reviewed by: Pasdera, Trever	Payroll Number: 1851	Copy To:	1 of 2

Incident Report Number
13-005540Incident Location:
9105 W Lincoln Ave;WA, West Allis, WI, 53227Incident Date:
06/23/2013

Using WAPD #58335 and Booking Sheet #2013002890, Bryan was mugged, printed and issued Municipal Citation # for Disorderly Conduct Battery.

STATEMENT OF BRYAN L. KAINZ

On 06/23/13 at 0254hrs. in the WAPD Booking Room Interview Room B, I read Bryan his Miranda warnings as they appear in WAPD Directive 42.016. Bryan stated he understood his rights and agreed to answer questions concerning his arrest. The interview was recorded using a WAPD Olympus Digital Voice Recorder #P15. The interview was stored on WAPD Memory Card P15 #2. The following is a synopsis of the interview.

Bryan stated tonight he was at The Draft with his friends named "Cato" and "Timbo." Bryan stated "Timbo" is Kondwani H. Harleaux. Bryan stated while at the tavern he had three Jager Bombs and one beer. Bryan advised when the three decided to leave the tavern they were walking on the sidewalk however Bryan had no idea where their car was parked or who initially drove them to the tavern.

Bryan stated while on the sidewalk, an unknown M/W with plaid shorts and a light colored shirt jumped off the balcony and began yelling derogatory comments towards him. Bryan stated the M/W yelled, "What the fuck you going to do bitch?" and Bryan responded, "What's your beef?" The M/W then began pointing at Bryan and his two friends while yelling "Fuck you" to all three. The M/W then ran towards Bryan with his hands in a boxer style stance and swung at him a couple times. Bryan advised the third punch struck Bryan in the face causing his glasses to be knocked off.

Bryan advised he does not remember what his friends did but only remembers personally grabbing the M/W and placing him in a headlock. Bryan stated he held the M/W in a head lock until the Police arrived and separated the two.

It should be noted that Bryan was still unable to identify Daniel as the male party he was involved in the physical altercation with even though they were standing near one another in the booking room.

The interview ended at 0301hrs. and I placed the memory card in an envelope and secured it in the ID Bureau drawer.

Reporting Officer(s):
Gold, TimothyID Number
9589

ID Number

Pages:
2 Of 2

West Allis Police Department

Supplementary Report

Incident Report Number 13-005540	Incident Location: 9105 W Lincoln Ave;WA, West Allis, WI, 53227	Incident Date: 06/23/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NAMES

Offender

Harleaux, Kondwani H B/M-28 of 5822 N 93 St, Milwaukee, WI, 53225
 DOB: 09/25/1984 DL: H6425088434507
 HT: 506 WT: 150 Hair: Black
 Eyes: Black Complexion: Black
 Cell Phone: (414) 639-8392

Booking#: 13-002892

Case#	Charge	Description	Ct
13-005540	WA-947.01(1)	Disorderly Conduct Battery	1

NARRATIVE

Officer Said reports...

INITIAL OBSERVATIONS

On 6/23/13 at approximately 0204 hrs, Squad 312 responded to the area of The Draft, 9105 W Lincoln Ave, for report of an active fight observed by an officer in the area. I responded to the scene and Officer Gold advised me to search for a male, black who was involved in the incident who fled around the southside of the building towards a parking lot which is attached to an alley.

FINDING OF OFFENDER - HARLEUX H. KONDWANI (M/B, 9-25-84)

While searching in the area of the parking lot and alley south of the above address Officer Treep began yelling commands for someone to show his hands. I then observed a male, black, seated on the ground behind a trash can with his back against the rear entrance door on the west side of the residence (the residence was the first apartment building on S. 91 St. south of W Lincoln Ave). This male was identified with WI-ID as Harleux H. Kondwani (m/b, 9-25-84).

Kwondwani was apprehended immediately and placed under arrest for Disorderly Conduct due to his involvement in the altercation.

TRANSPORT / BOOKING

Reporting Officer(s): Said, Sharif	Payroll Number: 9871	Payroll Number:	Report Date: 06/23/2013
Reviewed by: Versnik, Ronald	Payroll Number: 1343	Copy To:	1 of 2

West Allis Police Department

Continuation

Incident Report Number
13-005540

Incident Location:
9105 W Lincoln Ave;WA, West Allis, WI, 53227

Incident Date:
06/23/2013

Kwondwani was transported to the WAPD Booking Room where he was fingerprinted, photographed and processed under booking # 13-002892.

CITATION

Kwondwani was issued a municipal citation for Disorderly Conduct and signed a PR Bond regarding this citation before he was released.

Reporting Officer(s):
Said, Sharif

ID Number
9871

ID Number

Pages:
2 Of 2

