



City of West Allis

Meeting Agenda

License and Health Committee

Aldersperson Vincent Vitale, Chair
Aldersperson Suzzette Grisham, Vice-Chair
Alderspersons: Rosalie L. Reinke, Daniel J. Roadt, and Tracy Stefanski

Tuesday, January 26, 2021

6:00 PM

City of West Allis YouTube Channel

VIRTUAL REGULAR MEETING

City of West Allis YouTube Channel

<https://www.youtube.com/user/westalliscitychannel/live>

The City of West Allis is holding the License & Health Committee meeting virtually to help protect our community from the Corona Virus (COVID-19) pandemic. (This means no one will be permitted inside the City Hall to view the meeting.)

If you wish to view the meeting, you can watch the meeting as it is livestreamed on the City of West Allis YouTube Channel (<https://www.youtube.com/user/westalliscitychannel/live>). If you require an alternate format of viewing the meeting, please call 414-302-8294 and leave a message prior to 11:00 a.m. CST on the day before the meeting.

If you wish to provide comments on any item on the agenda: You can email your comments to city@westalliswi.gov or drop a paper copy addressed to City Clerk in the City Hall drop box by 8:00 a.m. on the day before the meeting. (City Hall, 7525 W. Greenfield Avenue)

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES

1. [2021-0045](#) Minutes (draft) of the License & Health Committee meetings of November 24, 2020, December 1, 2020, December 15, 2020 and January 5, 2021

D. NEW AND PREVIOUS MATTERS

2. [2021-0012](#) Summons & Complaint in the matter of the complaint against Uncle Fester's LLC, Ashley E. Kapalczynski, Agent, for the premises located at 5732 W. Mitchell St., d/b/a Uncle Fester's, (2020-2021 Combination Class B Tavern License No. 2251)

Recommendation: License & Health Committee directed the City Attorney to prepare Findings and Recommendations.

3. [2021-0013](#) Summons & Complaint in the matter of the complaint against MINTOT LLC, Tina M. Minto, Agent, for the premises located at 5906 W. Burnham St., d/b/a TnT Sportz Bar (2020-2021 Class B Tavern License No. 2478)

Recommendation: (Licensee surrendered license on 2/11/2021) - Place on File

4. [2021-0049](#) 2020-2022 Operator's License (Bartender/Class D Operator) application of Brian J. Lorensen
Recommendation: Unanimously recommended for denial
5. [2021-0050](#) 2020-2022 Operator's License (Bartender/Class D Operator) application of Giovanni C. Walls
Recommendation: Unanimously recommended for denial
6. [2021-0046](#) Police Department Report regarding tavern violations/calls for service for the month of December 2020
Recommendation: Unanimously recommended to be placed on file
7. [2021-0064](#) Review of license applicant background checks for consideration of possible approval or denial
*2020-2021 Adult Oriented Establishment Operator Permit:
Choinski, Devin M.*

*2020-2022 Operator's License (Bartender/Class D Operator) Applications:
DeFoe, Amanda S.
Hagen, Jennifer M.
Husslein, Crystal A.
Jansen, Douglas P.
Lohmann, Melissa L.
Macisak, Jennifer A.
Mitsche, Ken N.
Schwulst, Anaka C.
Stubenrauch, Kyle E.*
8. [2021-0085](#) Streamlining the License process

E. ADJOURNMENT



All meetings of the License and Health Committee are public meetings. In order for the general public to make comments at the committee meetings, the individual(s) must be scheduled (as an appearance) with the chair of the committee or the appropriate staff contact; otherwise, the meeting of the committee is a working session for the committee itself, and discussion by those in attendance is limited to committee members, the mayor, other alderpersons, staff and others that may be a party to the matter being discussed.

NOTICE OF POSSIBLE QUORUM

It is possible that members of, and possibly a quorum of, members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

NON-DISCRIMINATION STATEMENT

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

AMERICANS WITH DISABILITIES ACT NOTICE

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LIMITED ENGLISH PROFICIENCY STATEMENT

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City of West Allis

Meeting Minutes

License and Health Committee

Aldersperson Vincent Vitale, Chair

Aldersperson Suzzette Grisham, Vice-Chair

Alderspersons: Rosalie L. Reinke, Daniel J. Roadt, and Tracy Stefanski

Tuesday, November 24, 2020

6:00 PM

City Hall, Common Council Chambers

7525 W. Greenfield Ave.

REGULAR MEETING - HEARING (draft minutes)

A. CALL TO ORDER

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

B. ROLL CALL

Present 5 - Vitale, Grisham, Reinke, Roadt, and Stefanski

Others present: Satwinder Singh, Nicole J. Nowak, Matthew D. Brzezinski, Samantha M. Liban, Atty. Brad Dagen, David Zarate, Henry Bruno, and Patricia Zarate, Nicholas Cerwin, Assistant City Attorney, Rebecca Hammock, Assistant City Attorney, and Ann Marie Neff, Secretary to the Committee.

C. APPROVAL OF MINUTES

1. [2020-0433](#) Minutes (draft) of the License & Health Committee special meeting of October 24, 2020, recess meetings of November 4, 2020 and November 17, 2020

A motion was made by Roadt, seconded by Grisham, that this matter be Approved. The motion carried unanimously.

D. NEW AND PREVIOUS MATTERS

2. [2020-0756](#) 2020-2021 Class C Wine License application of Milwaukee Banquet LLC, Satwinder Singh, Agent, d/b/a Wini's Kitchen for premises located at 10535 W. Greenfield Ave. (new-nonexisting location)

Appearance by Satwinder Singh. Discussion ensued regarding the plan of operation, doors and the floor plan. Mr. Singh stated he would update and resubmit those items for the December 1, 2020 Common Council meeting.

This matter was Held.

3. [2020-0757](#) 2020-2021 Class B Beer License application of Milwaukee Banquet LLC, Satwinder Singh, Agent, d/b/a Wini's Kitchen for premises located at 10535 W. Greenfield Ave. (new-nonexisting location)

See legislative file number 2020-0756.

This matter was Held.

4. [2020-0565](#) 2020-2022 Food Peddler Permit application of Isaac Meyo Xique

Nonappearance of Isaac Meyo Xique. Isaac did not respond to the letter mailed to him to allow him an appearance before the License & Health Committee to appeal the

Committee's recommendation for denial.

A motion was made by Grisham, seconded by Reinke, that this matter be Recommended for Denial based on the record being substantially related to the licensed activity and the applicant's failure to provide competent evidence of rehabilitation. The motion carried unanimously.

5. [2020-0704](#) 2020-2022 Operator's License (bartender/sales clerk) application of Nicole J. Nowak

Appearance by Nicole J. Nowak.

A motion was made by Grisham, seconded by Reinke, that this matter be Recommended For Approval. The motion carried unanimously.

6. [2020-0611](#) 2020-2022 Operator's License (bartender/sales clerk) application of Matthew D. Brzezinski

Appearance by Matthew D. Brzezinski.

A motion was made by Grisham, seconded by Reinke, that this matter be Recommended For Approval. The motion carried unanimously.

7. [2020-0670](#) 2020-2022 Operator's License (bartender/sales clerk) application of Samantha M. Liban

Appearance by Samantha M. Liban.

A motion was made by Reinke, seconded by Stefanski, that this matter be Recommended For Approval. The motion carried unanimously.

8. [2020-0606](#) 2020-2022 Operator's License (bartender/sales clerk) application of Rebecca L. Reyes

Nonappearance of Rebecca L. Reyes. Rebecca did not respond to the letter mailed to her to allow her an appearance before the License & Health Committee to appeal the Committee's recommendation for denial.

A motion was made by Grisham, seconded by Reinke, that this matter be Recommended for Denial based on the record being substantially related to the licensed activity and the applicant's failure to provide competent evidence of rehabilitation. The motion carried unanimously.

9. [2020-0701](#) 2020-2022 Operator's License (bartender/sales clerk) application of Erica J. Schluez

Nonappearance of Erica J. Schluez. Erica did not respond to the letter mailed to her to allow her an appearance before the License & Health Committee to appeal the Committee's recommendation for denial.

A motion was made by Stefanski, seconded by Grisham, that this matter be Recommended for Denial based on the record being substantially related to the licensed activity and the applicant's failure to provide competent evidence of rehabilitation. The motion carried unanimously.

10. [2020-0706](#) Review of license applicant background checks for consideration of possible approval or denial
- License & Health Committee recommended approval of the following applicant's for the next Common Council meeting.
2020-2022 Operator (bartender/sales clerk) License applications:
Padilla, Yaritza
Vallejo, Tanya A.
- 2020-2021 Food Peddler Permit application.
Molina, Vanessa
- A motion was made by Grisham, seconded by Stefanski, that this matter be Recommended For Approval. The motion carried unanimously.**

E. HEARING

Appearance by Atty. Brad Dagen, David Zarate, Henry Bruno, and Patricia Zarate.

A Hearing was not held.

Assistant City Attorney presented a stipulation agreed upon by Atty. Dagen and Mr. Zarate. Additional questions were answered.

F. CLOSED SESSION

At 7:30 p.m. a motion was made by Steffanski, seconded by Reinke, to convene in closed session. The motion carried unanimously.

Upon conclusion of the closed session at 7:55 p.m., the License and Health Committee reconvened in open session.

11. [2020-0536](#) Summons and Complaint in the matter of the complaint against Z's Bar, LLC, David Zarate, Agent, for the premises located at 6309 W. National Ave., d/b/a Z's Bar (2020-2021 Class B Tavern License No. 2256)
- The License & Health Committee Recommended approval of the signed stipulation for a three (3) day closure to be approved at the December 1, 2020 Common Council meeting, and that the Summons and Complaint be Placed on File.*
- A motion was made by Stefanski, seconded by Grisham, that this matter be Recommended to be Placed on File. The motion carried unanimously.**

G. ADJOURNMENT

The meeting adjourned at 8:00 p.m.



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City of West Allis

Meeting Minutes

License and Health Committee

Aldersperson Vincent Vitale, Chair

Aldersperson Suzzette Grisham, Vice-Chair

Alderspersons: Rosalie L. Reinke, Daniel J. Roadt, and Tracy Stefanski

Tuesday, December 1, 2020

5:31 PM

City of West Allis YouTube Channel

VIRTUAL STANDING COMMITTEE MEETING (draft minutes)

City of West Allis YouTube Channel

<https://www.youtube.com/user/westalliscitychannel/live>

A. CALL TO ORDER

The meeting was called to order by Chair Vitale at 5:31 p.m.

B. ROLL CALL

Present 5 - Vitale, Grisham, Reinke, Roadt, and Stefanski

Others present: Kail Decker, City Attorney, Rebecca Grill, City Administrator/City Clerk, Patrick Mitchell, Chief of Police; Steve Schaer, Manager of Planning and Zoning Manager; Patrick Schloss, Community Development Manager; Peter Daniels, City Engineer; Jonathan Matte, Director of Communications; Ed Lisinski, Director of Building Inspections & Neighborhood Services.

C. DISCUSSION REGARDING

28. [O-2020-0056](#) Ordinance to Continue Expedited Temporary Extension of Premises Until March 8, 2021

Sponsors: Aldersperson Weigel

This matter was Discussed.

[2020-0726](#)

2020-2021 Used Vehicle Dealer License application - Endless Motorsports, Andrew Konkel, Agent 2200 S. 108 St.

This matter was Discussed.

D. ADJOURNMENT

The meeting adjourned at 5:45 p.m.



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City of West Allis

Meeting Minutes

License and Health Committee

Aldersperson Vincent Vitale, Chair

Aldersperson Suzzette Grisham, Vice-Chair

Alderspersons: Rosalie L. Reinke, Daniel J. Roadt, and Tracy Stefanski

Tuesday, December 15, 2020

5:30 PM

City of West Allis YouTube Channel

VIRTUAL STANDING COMMITTEE MEETING (draft minutes)

City of West Allis YouTube Channel

<https://www.youtube.com/user/westalliscitychannel/live>

A. CALL TO ORDER

The meeting was called to order by Chair Vitale at 5:30 p.m.

B. ROLL CALL

Present 5 - Vitale, Grisham, Reinke, Roadt, and Stefanski

Others present: Benjamin A. Buss, Satwinder Singh, Patrick Mitchell, Chief of Police, Patrick Schloss, Manager of Community Development, Steven Schaer, Manager of Planning and Zoning, Kail Decker, City Attorney, Nicholas Cerwin, Assistant City Attorney, Rebecca Grill, City Administrator/Clerk.

C. DISCUSSION REGARDING

23. [O-2020-0036](#) Ordinance authorizing "Class B" licensees to sell intoxicating liquor in the original package or container

Sponsors: License and Health Committee

This matter was Discussed.

62. [O-2020-0055](#) Ordinance to increase prohibited parking area for food trucks near restaurants

Sponsors: Aldersperson Stefanski

This matter was Discussed.

50. [2020-0818](#) Police Department Report regarding tavern violations/calls for service for the month of October 2020

The Committee directed the Clerk's Office to send letters to the following Uncle Fester's, and TnT Sportz Bar for further discussion of the police report calls to service.

This matter was Discussed.

51. [2020-0820](#) Police Department Report regarding tavern violations/calls for service for the month of November 2020

The Committee directed the Clerk's Office to send a letter to Stallywood for further discussion of the police report calls to service.

This matter was Discussed.

49. [2020-0831](#) License applications

The list of applicants is available, online at <https://westalliswi.legistar.com/> or by contacting the city clerk's office.

License & Health Committee recommended denial of the following applicants. The Clerk's Office was directed to send a letter allowing the applicant an opportunity to appear before the License & Health Committee to show competent evidence of rehabilitation.

*2020-2021 Adult-Oriented Operator Permit application:
Beans, Samarra D.*

*2020-2022 Operator's License (Bartender/Class D Operator) applications:
Bosanac, Heather G.
Cantu, Adrian R.
Mitter, William J.*

*License & Health Committee recommended approval of the following applicants.
2020-2021 Adult-Oriented Operator Permit application:
Robinson, Amber R.*

*2020-2021 Food Peddler Permit application:
Vanessa Moline, Mr. Taco LLC*

*2020-2022 Operator's License (Bartender/Class D Operator) applications:
Abramowski, Krysta L.
Burns, David J.
Garcia, Richard A.
Jankowski, Nicole A.
Kroening, Daniel D.
Lopez, Amanda
McCowan, Scott P.
Ny, Samol
Novak, Brittany L.
Osmond, Sara A.
Ritzow, Brooke C.
Servidas, Bradley P.
Smith, Candace A.
Stark, Alysya J.
Strickler, Sharon A.
Tanni, Payton E,
Walczyk, Penni J.
Wozniak, Shannon L.*

2020-2021 Secondhand Dealer License and/or Secondhand Jewelry License application:

*Bob's Coins & Collectibles, LLC, 3050 S. 92 St., Leticia M. Sobczak, Agent
Shooter's Shop, Inc., 2465 S. 84 St. Kevin Nugent, Agent*

This matter was Discussed.

52. [2020-0837](#) 2020-2021 Class B Tavern License application of Stalley Cats, LLC, Benjamin A. Buss, Agent, d/b/a Stalley Cats, 6201 W. Mitchell St. (new-existing location)

Appearance by Benjamin A. Buss.

A motion was made by Grisham, seconded by Reinke, that this matter be Recommended For Approval. The motion carried unanimously.

53. [2020-0756](#)

2020-2021 Class C Wine License application of Milwaukee Banquet LLC, Satwinder Singh, Agent, d/b/a Wini's Kitchen for premises located at 10535 W. Greenfield Ave. (new-nonexisting location)

This matter was Recommended for Denial on a Block Vote.

54. [2020-0757](#)

2020-2021 Class B Beer License application of Milwaukee Banquet LLC, Satwinder Singh, Agent, d/b/a Wini's Kitchen for premises located at 10535 W. Greenfield Ave. (new-nonexisting location)

This matter was Recommended for Denial on a Block Vote.

Passed The Block Vote

A motion was made by Grisham, seconded by Stefanski, to approve all the actions on legislative file nos. 2020-0756 and 2020-0757 on a Block Vote. The motion carried unanimously.

D. ADJOURNMENT

The meeting adjourned at 6:39 p.m.



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City of West Allis

Meeting Minutes

License and Health Committee

Aldersperson Vincent Vitale, Chair

Aldersperson Suzzette Grisham, Vice-Chair

Alderspersons: Rosalie L. Reinke, Daniel J. Roadt, and Tracy Stefanski

Tuesday, January 5, 2021

5:00 PM

City of West Allis YouTube Channel

VIRTUAL STANDING COMMITTEE MEETING (draft minutes)

A. CALL TO ORDER

The meeting was called to order by Chair Vitale at 5:00 p.m.

B. ROLL CALL

Present 4 - Vitale, Grisham, Roadt, and Stefanski

Excused 1 - Reinke

Others present: William J. Mitter, Paul Budiach, Heather G. Bosanac, Adrian R. Cantu, Brandon T. Grebe, Aldersperson Danna Kuehn, Aldersperson Martin Weigel, Aldersperson Angelito Tenorio, Kail Decker, City Attorney, Nicholas Cerwin, Assistant City Attorney, and Rebecca Grill, City Administrator/Clerk.

C. DISCUSSION REGARDING

34. [2021-0006](#) 2020-2022 Operator's License (Bartender/Class D Operator) application of William J. Mitter

Appearance by William J. Mitter.

This matter was Discussed.

35. [2021-0007](#) 2020-2022 Operator's License (Bartender/Class D Operator) application of Heather G. Bosanac

Appearance by Heather G. Bosanac.

This matter was Discussed.

36. [2021-0008](#) 2020-2022 Operator's License (Bartender/Class D Operator) application of Adrian R. Cantu

Appearance by Adrian R. Cantu.

This matter was Discussed.

37. [2021-0009](#) 2020-2021 Adult Oriented Establishment Operator Permit application of Samara D. Beans

Nonappearance of Samara D. Beans. Ms. Beans did not respond to the letter mailed to allow an appearance before the License & Health Committee to appeal the Committee's December 15, 2020 recommendation for denial based on the applicant's record having violations that are substantially related to the licensed activity.

This matter was Discussed.

38. [2021-0010](#) 2020-2021 Class A Beer License application of Grebe's Bakery, Inc., Brandon T. Grebe, Agent, d/b/a Grebe's Bakery, for premises located at 5132 W. Lincoln Ave. (new-nonexisting location)

Appearance by Brandon T. Grebe. Discussion regarding limiting to certain types of promotional beer and surrender of the license by June 30, 2021.

This matter was Discussed.

39. [2021-0023](#) License applications

License & Health Committee recommended denial of the following applicants. The Clerk's Office was directed to send a letter allowing the applicant an opportunity to appear before the License & Health Committee to show competent evidence of rehabilitation.

Operator's License (bartender/Class D Operator) applications 2020-2022:

Lorenson, Brian J.

Walls, Giovanni C.

License & Health Committee recommended approval of the following applicants.

Operator's License (bartender/Class D Operator) applications 2020-2022:

Bahr, Jamie L.

Budziszewski, Daniel V.

Church, Dustin C.

Day, Samantha E.

Neu, Jessica L.

Rauth, Jodie L.

- [2021-0014](#) Police Department Report involving Stallywood, 6827 W. National Ave., of Stallywood LLC, Robert L. Anderson, Agent, Incident Dates: November 7, 2020, November 23, 2020, November 14, 2020, and November 27, 2020

Appearance by Robert L. Anderson.

This matter was Discussed and recommended to be Placed on File.

- [2021-0021](#) Discussion on Ordinance O-2020-0014 passed on May 5, 2020, amending Section 9.02(21)(a) and (b) of the West Allis Municipal Code relating to reduction of fees for Class B Alcohol Licenses (Class B Beer reduced from \$100 to \$50; Class B Liquor reduced from \$500 to \$250)

This matter was Held.

D. ADJOURNMENT

The meeting adjourned at 6:27 p.m.



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Note: Italicized print is a guide to the reader. Regular text should be read out loud.

HEARING PROCEDURE GUIDE

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

I. *Convene the Hearing.*

A. I am Assistant City Attorney Rebecca Hammock. This matter is a hearing being held before the License and Health Committee of the Common Council of the City of West Allis. This license hearing is being held pursuant to sec. 125.12 of the Wisconsin Statutes, in the matter of the Complaint against Uncle Festers LLC, Ashley Kapalczynski, licensing agent.

B. Let it be noted for the record that the following Committee members are present:

(Each Committee member Should Identify themselves by title and name.)

One Assistant City Attorney is prosecuting this matter and another, myself, is acting as advisor to the Committee.

For the record we will now have everyone state their appearances.

(Licensee and attorney should identify themselves. City Attorney and Prosecutor to identify themselves.)

II. *Nature of the Hearing. (Sec. 125.12, Stats., attached.)*

A. Ashley Kapalczynski, the nature of this hearing is for the committee to make a decision as it relates to the Complaint against you, which has been filed with this Committee. Under the provisions of sec. 125.12 of the Wisconsin Statutes and section 9.02(20) of the West Allis Revised Municipal Code, this hearing has been convened for the purpose of determining whether any of the charges against you are true, and to make a recommendation based upon that determination. This Committee

will examine all the evidence concerning the charges through inquiry to both sides. The Committee will evaluate and then impartially weigh the evidence. It will determine whether or not any of the charges have been proven solely upon the evidence introduced at this hearing.

- B. This hearing is open to the public.
- C. A verbatim record of the proceedings is being made by audio recording.
- D. You may be represented by an attorney. Assistant City Attorney Nicholas Cerwin is here as the Prosecutor and will present the case against you to the Committee. I am *(The Assistant City Attorney Rebecca Hammock)* present and will serve as legal advisor to the Council. I am here to advise the Committee on questions of law and procedure and may also direct questions to witnesses on behalf of the Committee.
- E. You may present evidence, call and examine witnesses, and cross-examine witnesses against you. Such witnesses will be sworn.
- F. Both the Complainant and licensee shall be limited to one hour each for presentation of testimony, not including cross-examination or questions from the Committee or City Attorney representing the Committee. The Chair may extend the time for presentation of testimony to assure a full and fair hearing.
- G. Subject to a motion for consideration by the full Committee, made by a member of the Committee, the Chair has the final ability to rule upon all questions, objections and motions as to procedural matters, admissibility of evidence, and similar issues. All objections, questions and motions, should be directed to the Chair.
- H. You may testify on your behalf with regard to the charges against you. However, what you say will be considered as evidence. Further, if you do testify, you may be cross-examined.

- I. If a charge or charges against you are proven, you are advised that the Committee may recommend to the Common Council that your licenses be suspended, revoked, or not renewed and that the Common Council may accept or reject such recommendation and may determine, upon such recommendation, whether your licenses should be suspended, revoked or not renewed.

III. *The Complaint. (Summons and Complaint attached.)*

- A. You have been served with a Summons for this hearing and a copy of the Complaint against you, which have been filed with the Committee for a determination. I now request the Clerk to append as exhibits to the record, a copy of the Summons and Complaint, together with a copy of the Affidavit of Service.
- B. Do you admit to any of the allegations in the complaint or are there portions which are not contested?

IV. *Evidence.*

- A. At this time the prosecuting attorney, Mr. Cerwin will present evidence as to the charges before the Committee.

All witnesses who testify before the Committee should be sworn. The form of oath which should be administered to each witness as follows:

"Do you solemnly swear that the testimony you shall give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?"

If the witness states that he has conscientious scruples against taking the oath, or swearing in the usual form, administer the following:

"Do you solemnly, sincerely and truly declare and affirm that the testimony you shall give in this matter shall be the truth, the whole truth and nothing but the truth; and that you do this under the pains and penalties of perjury?"

(After each witness testifies on direct examination, permit the opposing party to cross examine the witness, then, if desired, allow redirect and recross examination until both sides have no further questions of each witness. The Chairman may limit the questioning in his discretion if the questions are repetitive or irrelevant.)

B. Does any member of the Committee wish to ask questions of the witness?

C. Does the City Attorney wish to ask questions of the witness?

(Questions of Committee members or City Attorney may prompt either side to ask additional questions. This should be permitted, following the same procedure above.)

D. Does the Prosecutor wish to present any further evidence? *(If not, proceed.)*

E. Now *(name)* it is your opportunity to present evidence as the licensee in this matter.

(Follow same procedure as with the complainant's evidence, i.e., swear witness, direct examination, cross-examination, etc.)

F. Does any member of the Committee wish to ask questions of the witness?

G. Does the City Attorney have any questions of the witness?

(Permit further questions by the parties, if requested.)

H. Is there anything further?

(If nothing further, proceed.)

I. Does the Prosecutor wish to make a closing statement?

J. Does the licensee wish to make a closing statement?

K. Rebuttal by Prosecutor.

V. *Adjourn for Deliberation.*

Having heard all evidence in this case, the Committee will go into closed session, pursuant to sec. 19.85(1)(a), Stats., to deliberate. Upon completion of the deliberation, the Committee will reconvene in open session and at that time announce its findings and determinations.

VI. *Announce Deliberation.*

Read the basics of the decision the Committee arrived at.

Findings and recommendations to be drafted by Assistant City Attorney Cerwin.

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

**In the Matter of the
Complaint Against**

SUMMONS

**Uncle Festers LLC
d/b/a Uncle Fester's
Ashley Kapalczynski, licensing agent.**

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

**THE WEST ALLIS COMMON COUNCIL TO Uncle Festers LLC by licensing agent
Ashley Kapalczynski:**

You are hereby notified that a sworn complaint, a copy of which is attached, has been duly made and filed, requesting a hearing on suspension or revocation of the 2020-2021 Combination Class B intoxicating liquor and fermented malt beverage license, under license number 20-2251, for the premises located at 5732 W. Mitchell Street in the City of West Allis, State of Wisconsin, for the license period running July 1, 2020, and expiring on June 30, 2021, pursuant to the provisions of Wis. Stat. § 125.12 and West Allis Code § 9.02(20) for violations found in the complaint including Wis. Stat. §§ 125.04(5)(b) & (c), 125.12(2)(ag)1 & 2, 125.32(2), 125.68(2), 941.137(2), 946.41, addition to West Allis Municipal Code §§ 9.02(20)a.iii, & 9.02(20)a.vi., 9.02(20)a.ix, and 9.02(20)a.x.

NOW THEREFORE, you, Uncle Festers LLC by licensing agent Ashley Kapalczynski, are hereby summoned to appear before the License and Health Committee of the West Allis Common Council on January 26, 2021 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.

Please note, this meeting and appearance will be held via ZOOM and will be a remote or virtual appearance only. You should access this ZOOM Meeting via the following information:

Website Access: <https://zoom.us/j/91063250839>

Meeting ID: 910 6325 0839


- Please note if you may contact the West Allis City Clerk's Office at 414 302 8220 or the West Allis City Attorney's Office at 414 302 8450 for assistance.

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 or revoke 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 21 day of January, 2021.

WEST ALLIS COMMON COUNCIL

By: 
Ann Marie Neff
Deputy City Clerk

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

**In the Matter of the
Complaint Against**

COMPLAINT

**Uncle Festers LLC
d/b/a Uncle Fester's
Ashley Kapalczynski, licensing agent.**

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Vince Vitale, Alderperson for the First District of West Allis and Chair of the West Allis License and Health Committee, being duly sworn, on oath deposes and states as a complaint against Uncle Festers LLC, as follows:

1. That the complainant is a resident of the City of West Allis.
2. That this complaint is based upon information contained within official records maintained by the City of West Allis and the City of West Allis Police Department, (hereafter "WAPD").
3. That Uncle Festers LLC is the current holder of a 2020-2021 Combination Class B intoxicating liquor and fermented malt beverage license, under license number 20-2251, for the premises located at 5732 W. Mitchell Street in the City of West Allis, State of Wisconsin, for the license period running July 1, 2020, and expiring on June 30, 2021.
4. That Ashley Kapalczynski is identified as the agent for the liquor license 20-2251.

5. That Timothy Wergin is identified as the President/Member of Uncle Festers LLC for the license 20-2251.
6. That on October 3, Officer Vanden Boogard reported that the West Allis Police Department received a noise complaint regarding Uncle Fester's. Officer Vanden Boogard called the bar and stated that the music was extremely loud in the background. He was able to communicate with the bartender to turn the music down. The bartender agreed to turn the music down and stated that there was a DJ working that evening.
7. That on October 10, 2020, just before midnight, officers were dispatched to a shots-fired complaint originating near the 1700 block of S. 57th Street. Officers attempted to locate evidence and surveillance video of the shooting from surrounding businesses. One of the locations officers went to was Uncle Fester's. The staff at the bar originally claimed to not know anything about a firearm or shooting. The bartenders at Uncle Fester's were Julio Crespo and Judith Tobar. Ashley Kapalczynski was also at the bar as the bar manager, however told officers that she was not at the bar earlier in the night and was just called into the bar very recently by a bartender and after hearing about the shooting incident on a police scanner.
8. While officers were obtaining evidence, Officer Sayeg had made contact with two persons in the area. Officers obtained identification information from the subjects and released them from the scene. It was later determined that the two subjects, a male and a female, were involved in the shooting. Approximately two hours after the shooting, the female subject was seen at Uncle Fester's by West Allis Police. Officers entered Uncle Fester's, searched the bar for the other individual, and eventually found him hiding in an upper unit attached to the bar, also owned by Timothy Wergin.

9. Officer Jacobsen spoke with Julio Crespo, one of the bartenders working that evening. Crespo stated he works at the bar and is dating Judith Tobar and helps when she is bartending. Crespo stated that he recognized the male shooting subject but did not know him well. Crespo originally stated that the male subject did not mention having a firearm and did not see him in possession of a firearm. Crespo initially stated that he did not know how the male shooting subject got upstairs.
10. Officer Vanden Boogard and Officer Jacobsen reviewed the interior surveillance camera footage from Uncle Fester's and saw that at approximately 7:10 p.m., the male and female shooting subjects entered Uncle Fester's and greeted Crespo. The subjects were served drinks by Crespo. The two subjects appeared to be at the bar for several more hours and just before midnight on October 10th, the male became angry and broke a pool stick over his knee. The male subject walked up to Crespo to recover some of his items that he had brought into the bar. Crespo can be seen handing the male a green bag and an item wrapped in a towel or rag. Officer Vanden Boogard reported that the male shooting subject removed the item from the towel and threw the towel onto the bar. Tobar then picked up the towel from the bar and appeared to be watching the interactions of Crespo and the male. Officer Jacobsen reported that the male shooting subject can be seen on video inserting a firearm magazine into a black and silver firearm on the bar surveillance video. Officer Jacobsen reported that the firearm appeared to be in plain view in front of Crespo, Tobar, the female shooting subject, and a separate unknown male patron. The male shooting subject then places the firearm onto the right side of his person. Officers report that the video depicts the male shooting

subject stumbling around the bar before almost falling over a chair, shaking hands with Crespo, high fiving Tobar, and then leaving with the female subject.

11. Officers determined that moments after the two shooting subjects leave Uncle Fester's the male party uses the firearm to shoot several round into the air.
12. Officer Jacobsen confronted Crespo about the surveillance video that largely discredits the version of events he had given. Crespo admitted to lying originally and stated the male was a regular in the bar. Crespo stated that when the male got to the bar, he handed Crespo a small object wrapped in a towel which Crespo immediately believe to be a firearm. Crespo placed the firearm in a drawer behind the counter. When the male subject was leaving, Crespo handed the gun back to the male and the male left the bar. Approximately two hours later, the two subjects called the bar phone and said they were coming back but were too drunk and needed a ride back. Crespo went to pick them up and brought them back to the bar. Crespo further stated that he helped the male leave out of the back of the bar but denied having him go to the upper unit.
13. Officer Jacobsen further spoke with Timothy Wergin over the phone. Wergin is the owner of the bar and stated that he was not home because he is an over-the-road trucker. He did state that he allows people like Tobar, Crespo, and the bar manager Ashley Kapalczynski to use his apartment above the bar when they need it. Wergin stated that the male shooting subject did not have his consent to be in his upper unit. A consent search was conducted of the upper apartment and nothing of evidentiary value was found at the bar location.
14. That on January 1, 2021, at approximately 4:30 a.m., the West Allis Police Department was dispatched to Uncle Fester's located at 5732 W. Mitchell Street for a noise

disturbance. Officer Brett Vanden Boogard reported that there were approximately 10-15 individuals exiting the bar with an additional 5-10 people within the bar.

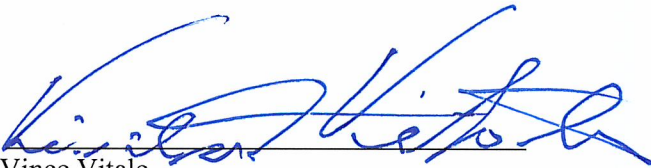
15. Officer Vanden Boogard first made contact with bartender Judith Tobar. Tobar reported that she did not have a bartender's license and only helps out when the bar needs help.
16. Officer Vanden Boogard made contact with bartender Julio Crespo who stated he was one of the individuals yelling within the bar to get patrons to leave. Based on previous contacts with Crespo, officers were aware that he did not have a valid bartender's license. Officer Vanden Boogard stated that he watched surveillance video and observed Mr. Crespo serving alcohol and cleaning the bar top.
17. Officer Vanden Boogard reported that since there were no licensed bartenders working at the licensed establishment, the location was shut down for the evening and citations were issued to parties, including Timothy Wergin.
18. That based on the incidents detailed above, on at least three occasions Uncle Festers LLC, by agent Ashley Kapalczynski, has violated Wis. Stat. § 125.12(2)(ag)2 and West Allis Code § 9.02(20)a.vi. for keeping a premises that is disorderly, riotous, indecent, or improper and that is operated in a manner which constitutes a public or private nuisance.
19. Further, on at least one occasion Uncle Festers LLC, by agent Ashley Kapalczynski assisted an individual in violating Wis. Stat. § 941.237(2) for allowing an individual to intentionally go armed with a handgun while on a licensed premises.
20. Further, that on at least one occasion Uncle Festers LLC, by agent Ashley Kapalczynski, violated Wis. Stat. § 125.07(2)(a)2 and West Allis Code § 9.02(20)(a)iii

for selling or procuring alcoholic beverages to intoxicated persons and serving individuals to the point of intoxication.

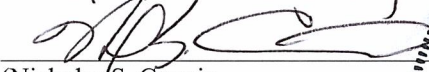
21. Further, that on at least one occasion, employees of Uncle Festers LLC, by agent Ashley Kapalczynski, violated Wis. Stat. § 946.41 by knowingly obstructing an officer while such officer was doing an act in an official capacity and with lawful authority.
22. Further, on at least two occasions, Uncle Festers LLC by agent Ashley Kapalczynski has violated Wis. Stat. §§ 125.32(2), 125.68(2), 125.12(2)(ag)1 and West Allis Code § 9.02(20)(a)ix for operating the licensed establishment without a licensed operator or authorized individual under state law who is responsible for the acts of all persons serving alcoholic beverages.
23. Further, the establishment has violated Wis. Stat. § 125.04(5)(b) and (c) and West Allis Code § 9.02(20)(a)x. because Uncle Festers LLC, by agent Ashley Kapalczynski, has operated as a habitual law offender for at least three violations of disorderly, riotous, indecent or improper conduct at the premises, allowing the establishment to operate on at least two occasions without a licensed operator, has served patrons who were intoxicated, has employed individuals who obstructed police investigations, and has employed individuals who have allowed a firearm on a licensed premises.
24. That the preceding violations are grounds for revocation or suspension of the Combination Class B intoxicating liquor and fermented malt beverage license that has been issued to Uncle Festers LLC, by agent Ashley Kapalczynski, for 2020-2021 Combination Class B intoxicating liquor and fermented malt beverage license, under license number 20-2251, for the premises located at 5732 W. Mitchell Street in the City of West Allis.

WHEREFORE, Alderperson Vince Vitale requests Uncle Fester's LLC, by licensing agent Ashley Kapalczynski 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 license issued to Uncle Fester's LLC should be revoked or suspended.

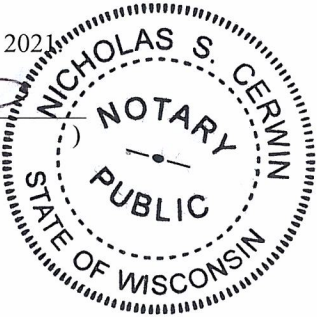
Dated this 21 day of July, 2021.

By: 
Vince Vitale
Alderperson for the First District
License and Health Committee Chair
City of West Allis

Subscribed and sworn to before me
this 21 day of January, 2021.



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



Affidavit of Process Server

Court/Appearance Date: 01/26/21
City of West Allis

Case Number _____
Uncle Fester's LLC dba Uncle Fester's

vs

I the undersigned am an adult resident of the state and not a party to the action. I hereby swear that on January 21 2021 at 4:55 p.m. I duly served/or attempted to serve, (see nonservice section)

NAME Uncle Fester's LLC dba Uncle Fester's

<input checked="" type="checkbox"/>	DEFENDANT	<input type="checkbox"/>	PETITIONER	<input type="checkbox"/>	OTHER ATTEMPTED DATES
<input type="checkbox"/>	GARNISHEE DEFENDANT	<input type="checkbox"/>	RESPONDENT		
<input type="checkbox"/>	PLAINTIFF	<input type="checkbox"/>	WITNESS		

By serving Daniel Protic at _____
 Name Title/Relationship
 Home _____ at _____ Wisconsin
 Business 5732 W. Mitchell St. City of West Allis Wisconsin

Manner of Service:

- Personal Service
- Corporate Service: by leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof. After diligent search and inquiry, having made _____ attempts by leaving true & correct copies of the above documents with a competent occupant of the residence over the age of 14, and informed that person of the contents thereof. (See other Attempt Dates)
- Posting copies in a conspicuous manner to the address of the person/entity being served. (Use only for evictions)
- Copies of the documents were mailed by prepaid, first class mail on: _____ DATE _____ FROM _____

Nonservice: after due search, careful inquiry and diligent attempts at the address(s) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- | | | | | | |
|--------------------------|-------------------------|--------------------------|-------------------------------------|--------------------------|---|
| <input type="checkbox"/> | Unknown at address | <input type="checkbox"/> | Moved no forwarding | <input type="checkbox"/> | Refuses to cooperate in acceptance |
| <input type="checkbox"/> | Address does not exist | <input type="checkbox"/> | Evading | <input type="checkbox"/> | Service cancelled by litigant |
| <input type="checkbox"/> | Not home three attempts | <input type="checkbox"/> | Unable to serve in a timely fashion | <input type="checkbox"/> | Search was conducted, whereabouts unknown |

Type of Documents:

- | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | SUMMONS AND COMPLAINT | <input type="checkbox"/> | ORDER TO SHOW CAUSE & AFFIDAVIT |
| <input type="checkbox"/> | AUTHENTICATED SUMMONS & COMPLAINT | <input type="checkbox"/> | BLANK FINANCIAL DISCLOSURE STATEMENT |
| <input type="checkbox"/> | COVER LETTER | <input type="checkbox"/> | ADMINISTRATIVE DISMISSAL DATE |
| <input type="checkbox"/> | NOTICE OF MOTION & MOTION/AFFIDAVIT | <input type="checkbox"/> | SUMMONS AND PETITION |
| <input type="checkbox"/> | ELECTRONIC FILING NOTICE | <input type="checkbox"/> | CONFIDENTIAL PETITION ADDENDUM |
| | | <input type="checkbox"/> | SUBPOENA/SUBPOENA DUCES TECUM |

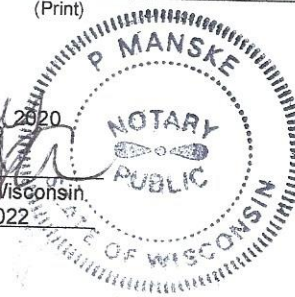
At the time of service, I did place upon it the date, time, and my name, leaving a true and correct copy thereof, and that the server knew the person so served to be the defendant (or other) mentioned and named therein.

NUMBER OF ATTEMPTS 2 NUMBER OF ADDRESSES ATTEMPTED (if more than one) _____
 SERVICE FEE \$ 40.00 WITNESS FEE \$ _____
 FILING FEE \$ _____ SEARCH FEE \$ _____
 TOTAL FEE \$ 40.00 MILEAGE \$ _____

Server's Name Carlton W. Manske Server's Signature Carlton Manske
 (Print)

Subscribed and sworn to before me
This 23 day of January 2020

Notary Public Waukesha Co., State of Wisconsin.
My Commission expires 01/27/2022



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

**In the Matter of the
Complaint Against**

SUMMONS

**MintoT LLC
d/b/a TnT Sportz Bar
Tina Minto, licensing agent.**

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

THE WEST ALLIS COMMON COUNCIL TO MINTOT LLC by licensing agent Tina Minto:

You are hereby notified that a sworn complaint, a copy of which is attached, has been duly made and filed, requesting a hearing on suspension or revocation of the 2020-2021 Combination Class B intoxicating liquor and fermented malt beverage license, under license number 20-2478, for the premises located at 5906 W. Burnham in the City of West Allis, State of Wisconsin, for the license period running July 1, 2020, and expiring on June 30, 2021, pursuant to the provisions of Wis. Stat. § 125.12 and West Allis Code § 9.02(20) for violations of Wis. Stat. §§ 125.04(5)(b), 125.12(2)(ag)1, 2, and 4, in addition to West Allis Municipal Code §§ 9.02(20)a.vi., 9.02(20)a.ix, and 9.02(20)a.x.

NOW THEREFORE, you, MintoT LLC by licensing agent Tina Minto, are hereby summoned to appear before the License and Health Committee of the West Allis Common Council on January 26, 2021 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.

Please note, this meeting and appearance will be held via ZOOM and will be a remote or virtual appearance only. You should access this ZOOM Meeting via the following information:

Website Access: <https://zoom.us/j/91063250839>

Meeting ID: 910 6325 0839

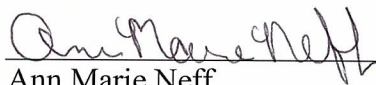
- Please note if you need any assistance connecting to this meeting, you may contact the West Allis City Clerk's Office at 414 302 8220 or the West Allis City Attorney's Office at 414 302 8450.

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 or revoke 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 21 day of January, 2021.

WEST ALLIS COMMON COUNCIL

By: 
Ann Marie Neff
Deputy City Clerk

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

**In the Matter of the
 Complaint Against**

COMPLAINT

**MintoT LLC
 d/b/a TnT Sportz Bar
 Tina Minto, licensing agent.**

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

Vince Vitale, Alderperson for the First District of West Allis and Chair of the West Allis License and Health Committee, being duly sworn, on oath deposes and states as a complaint against MintoT LLC, as follows:

- 1. That the complainant is a resident of the City of West Allis.
- 2. That this complaint is based upon information contained within official records maintained by the City of West Allis and the City of West Allis Police Department, (hereafter “WAPD”).
- 3. That MintoT LLC is the current holder of a 2020-2021 Combination Class B intoxicating liquor and fermented malt beverage license, under license number 20-2478, for the premises located at 5906 W. Burnham in the City of West Allis, State of Wisconsin, for the license period running July 1, 2020, and expiring on June 30, 2021.
- 4. That according to the application that was submitted by MintoT LLC and approved for the 2020-2021 Combination Class B intoxicating liquor and fermented malt beverage

license, the sole individual listed on the application is Tina Minto as the licensing agent and owner for MintoT LLC.

5. That prior to this complaint, a summons and complaint was issued against MintoT LLC on or about October 1, 2020, for violations during the 2020-2021 license period related to license number 20-2478 for the premises located at 5906 W. Burnham in the City of West Allis, doing business under the trade name TnT Sportz Bar. That on or about October 26, 2020, the West Allis License and Health Committee made the findings that TnT Sportz Bar was being operated in a manner that was disorderly, riotous, indecent, or improper such that it constituted a private or public nuisance and that the establishment had violated State and Local indoor smoking bans on three occasions.
6. That the incidents alleged in this complaint were not alleged, considered by, or known to the Committee during that prior summons and complaint hearing process.
7. That on October or about October 17, 2020, at approximately 2:30 in the morning, West Allis Police Officers investigated an incident where a patron was “pepper sprayed” or “OC Sprayed” at TnT Sportz Bar located at 5906 W. Burnham Street. Officer Santa Cruz Medina went to the bar location and found the door to be locked to the front entrance. Eventually a subject by the name of Terrell Taylor came to the door to speak with officers. Officer Santa Cruz Medina noted that he smelled an odor of burnt marijuana emanating from the interior of the bar.
8. That Officer Santa Cruz Medina spoke with Terrell Taylor who was identified as one of the security guards for the establishment that evening/morning. Officer Santa Cruz Medina continued to smell the odor of marijuana emanating from Mr. Taylor. Mr.

- Taylor admitted that he had a firearm on his person and started to become evasive during his interactions with the officer. Based upon the interactions, officers detained Mr. Taylor and recovered a firearm that was concealed under his shirt on his right hip. The firearm was loaded and had a 9mm round in the chamber. Officer Santa Cruz Medina determined that Mr. Taylor did not have a permit to carry a concealed weapon.
9. Mr. Taylor admitted that he was the security guard involved in removing a patron. There is conflicting information in the report regarding the reason the patron was removed. Mr. Taylor stated that once outside of the bar, the patron continued to act aggressively to him so he used his OC spray. Mr. Taylor stated he did not call police regarding this incident.
 10. Officer Santa Cruz Medina also noted that he recovered a small quantity of marijuana from Mr. Taylor's sweatshirt middle pocket. This substance tested positive for tetrahydrocannabinols (the active ingredient in marijuana) using the Duqunois- Levine Test and weighed 1.319 grams.
 11. Officer Bret Vanden Boogard further reported that upon police investigation of the bar, there were approximately 12-15 persons within the bar after bar-close. Givionte Mull stated that he was the bar manager that evening and the persons within the bar were all employees. Officers did not observe beverages or hookahs on the bar top. Mr. Mull reported that Mr. Taylor was hired by the bar to be an armed security guard. Mr. Mull stated that he believed Mr. Taylor had a permit to carry a concealed weapon since he was hired to be an armed security guard. There were cameras within the bar but no cameras outside of the bar that would have captured the incident.

12. That on November 19, 2020, the West Allis Police Department was called regarding damage to a fence recently constructed by the owner of 5910 W. Burnham Street, the neighbor of TnT Sportz Bar. Officer Paul Hartmann reported that he was able to view surveillance video of the incident and was able to view what he believed to be three male subjects wearing hoods and masks kick down a section of the fence. Officer Hartmann concluded that it appears that these subjects were in some way associated with TnT Sportz Bar because they knocked down one segment of the fence specifically and pushed the dumpster that had been utilized TnT Sportz Bar through the area where the fence once stood.
13. Said fence was recently constructed on November 8, 2020, and created a situation where the dumpster was trapped in the back of the premises for TnT Sportz Bar and could no longer be utilized by the bar. The report indicates that the owner of the property where TnT Sportz Bar is located intended to have his own survey done and would remove the fence if it was on his property.
14. That on or about November 21, 2020, since the dumpster had been removed from the fenced exterior of TnT Sportz Bar, it had been housed on a public sidewalk for a period of time causing a health hazard and an obstruction of the public sidewalk. According to Tim Last, Sanitation and Street Superintendent, the dumpster remained in use and on the public sidewalk for several days until at least November 24, 2020.
15. That garbage removal from TnT Sportz Bar continued to be an issue and on or about January 18, 2021, garbage was being stacked out front of the building on Burnham Street and abutting adjacent property owner's property. Per Mike Weisnicht,

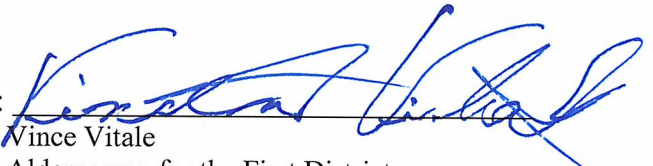
Neighborhood Services Inspector for the City of West Allis, a citation was issued to the property owner.

16. That based on the incidents detailed above MintoT LLC, by agent Tina Minto, has violated Wis. Stat. §§ 125.12(2)(ag)2 and West Allis Code § 9.02(20)a.vi. for keeping a premises that is disorderly, riotous, indecent, or improper and that is operated in a manner which constitutes a public or private nuisance.
17. Further, the establishment has violated Wis. Stat. § 125.04(5)(b) and is a habitual law offender based on the previous violations in addition to the newly alleged damage to property, marijuana, disorderly conduct, and weapons offenses and is subject to suspension or revocation pursuant to Wis. Stat. § 125.12(2)(ag)1 and West Allis Code § 9.02(20)a.x.
18. That the preceding violations are grounds for revocation or suspension of the Combination Class B intoxicating liquor and fermented malt beverage license that has been issued to MintoT LLC by agent Tina Minto for the premises located at 5906 W. Burnham in the City of West Allis, State of Wisconsin, under license number 20-2478 pursuant to Wis. Stat. §§ 125.04(5)(b), 125.12(2)(ag)1, 2, and 4, in addition to West Allis Municipal Code §§ 9.02(20)a.vi., 9.02(20)a.ix, and 9.02(20)a.x..

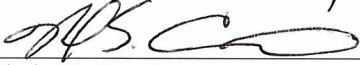
WHEREFORE, Alderperson Vince Vitale requests MintoT LLC by licensing agent Tina Minto be summoned to appear before the License and Health Committee of the West Allis Common Council to answer this complaint and, if the material allegations of the complaint are denied, that a hearing be held to determine whether the license issued to MintoT LLC should be revoked or suspended.

[Signature page to follow]

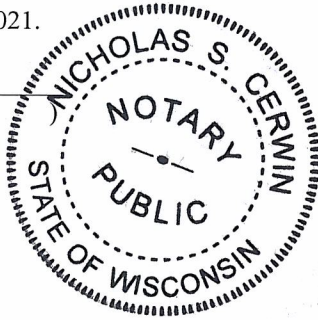
Dated this 21 day of May, 2021.

By: 
Vince Vitale
Alderson for the First District
License and Health Committee Chair
City of West Allis

Subscribed and sworn to before me
this 21 day of January, 2021.



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



Affidavit of Process Server

Court/Appearance Date: 01/26/21
City of West Allis

Case Number _____
Minto LLC dba TnT Sports Bar

vs

I the undersigned am an adult resident of the state and not a party to the action. I hereby swear that on January 22 2021 at 10:15 p.m. I duly served/or attempted to serve, (see nonservice section)

NAME Minto LLC dba TnT Sports Bar

- | | | | | | |
|-------------------------------------|---------------------|--------------------------|------------|--------------------------|-----------------------|
| <input checked="" type="checkbox"/> | DEFENDANT | <input type="checkbox"/> | PETITIONER | <input type="checkbox"/> | OTHER ATTEMPTED DATES |
| <input type="checkbox"/> | GARNISHEE DEFENDANT | <input type="checkbox"/> | RESPONDENT | | |
| <input type="checkbox"/> | PLAINTIFF | <input type="checkbox"/> | WITNESS | | |

By serving Giovanni Mull at _____
 Home _____ Title/Relationship _____ Wisconsin
 Business 5906 W. Burnham St. City of West Allis Wisconsin

Manner of Service:

- Personal Service
- Corporate Service: by leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof. After diligent search and inquiry, having made _____ attempts by leaving true & correct copies of the above documents with a competent occupant of the residence over the age of 14, and informed that person of the contents thereof. (See other Attempt Dates)
- Posting copies in a conspicuous manner to the address of the person/entity being served. (Use only for evictions)
- Copies of the documents were mailed by prepaid, first class mail on: _____ DATE _____ FROM _____

Nonservice: after due search, careful inquiry and diligent attempts at the address(s) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- | | | | | | |
|--------------------------|-------------------------|--------------------------|-------------------------------------|--------------------------|---|
| <input type="checkbox"/> | Unknown at address | <input type="checkbox"/> | Moved no forwarding | <input type="checkbox"/> | Refuses to cooperate in acceptance |
| <input type="checkbox"/> | Address does not exist | <input type="checkbox"/> | Evading | <input type="checkbox"/> | Service cancelled by litigant |
| <input type="checkbox"/> | Not home three attempts | <input type="checkbox"/> | Unable to serve in a timely fashion | <input type="checkbox"/> | Search was conducted, whereabouts unknown |

Type of Documents:

- | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | SUMMONS AND COMPLAINT | <input type="checkbox"/> | ORDER TO SHOW CAUSE & AFFIDAVIT |
| <input type="checkbox"/> | AUTHENTICATED SUMMONS & COMPLAINT | <input type="checkbox"/> | BLANK FINANCIAL DISCLOSURE STATEMENT |
| <input type="checkbox"/> | COVER LETTER | <input type="checkbox"/> | ADMINISTRATIVE DISMISSAL DATE |
| <input type="checkbox"/> | NOTICE OF MOTION & MOTION/AFFIDAVIT | <input type="checkbox"/> | SUMMONS AND PETITION |
| <input type="checkbox"/> | ELECTRONIC FILING NOTICE | <input type="checkbox"/> | CONFIDENTIAL PETITION ADDENDUM |
| | | <input type="checkbox"/> | SUBPOENA/SUBPOENA DUCES TECUM |

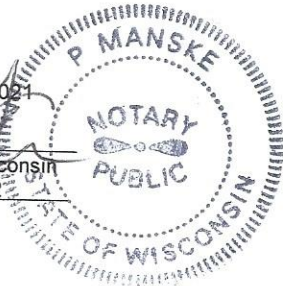
At the time of service, I did place upon it the date, time, and my name, leaving a true and correct copy thereof, and that the server knew the person so served to be the defendant (or other) mentioned and named therein.

NUMBER OF ATTEMPTS 2 NUMBER OF ADDRESSES ATTEMPTED (if more than one) _____
 SERVICE FEE \$ 40.00 WITNESS FEE \$ _____
 FILING FEE \$ _____ SEARCH FEE \$ _____
 TOTAL FEE \$ 40.00 MILEAGE \$ _____

Server's Name Carlton W. Manske Server's Signature Carlton Manske
 (Print)

Subscribed and sworn to before me
This 23 day of January, 2021

Notary Public Waukesha Co., State of Wisconsin
My Commission expires 01/27/2022



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

**In the Matter of the
Complaint Against**

AMENDED COMPLAINT

**MintoT LLC
d/b/a TnT Sportz Bar
Tina Minto, licensing agent.**

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

Vince Vitale, Alderperson for the First District of West Allis and Chair of the West Allis License and Health Committee, being duly sworn, on oath deposes and states as a complaint against MintoT LLC, as follows:

1. That the complainant is a resident of the City of West Allis.
2. That this complaint is based upon information contained within official records maintained by the City of West Allis and the City of West Allis Police Department, (hereafter "WAPD").
3. That MintoT LLC is the current holder of a 2020-2021 Combination Class B intoxicating liquor and fermented malt beverage license, under license number 20-2478, for the premises located at 5906 W. Burnham in the City of West Allis, State of Wisconsin, for the license period running July 1, 2020, and expiring on June 30, 2021.
4. That according to the application that was submitted by MintoT LLC and approved for the 2020-2021 Combination Class B intoxicating liquor and fermented malt beverage

license, the sole individual listed on the application is Tina Minto as the licensing agent and owner for MintoT LLC.

5. That prior to this complaint, a summons and complaint was issued against MintoT LLC on or about October 1, 2020, for violations during the 2020-2021 license period related to license number 20-2478 for the premises located at 5906 W. Burnham in the City of West Allis, doing business under the trade name TnT Sportz Bar. That on or about October 26, 2020, the West Allis License and Health Committee made the findings that TnT Sportz Bar was being operated in a manner that was disorderly, riotous, indecent, or improper such that it constituted a private or public nuisance and that the establishment had violated State and Local indoor smoking bans on three occasions.
6. That the incidents alleged in this complaint were not alleged, considered by, or known to the Committee during that prior summons and complaint hearing process.

Incident One:

7. That on October or about October 17, 2020, at approximately 2:30 in the morning, West Allis Police Officers investigated an incident where a patron was “pepper sprayed” or “OC Sprayed” at TnT Sportz Bar located at 5906 W. Burnham Street. Officer Santa Cruz Medina went to the bar location and found the door to be locked to the front entrance. Eventually a subject by the name of Terrell Taylor came to the door to speak with officers. Officer Santa Cruz Medina noted that he smelled an odor of burnt marijuana emanating from the interior of the bar.
8. That Officer Santa Cruz Medina spoke with Terrell Taylor who was identified as one of the security guards for the establishment that evening/morning. Officer Santa Cruz

Medina continued to smell the odor of marijuana emanating from Mr. Taylor. Mr. Taylor admitted that he had a firearm on his person and started to become evasive during his interactions with the officer. Based upon the interactions, officers detained Mr. Taylor and recovered a firearm that was concealed under his shirt on his right hip. The firearm was loaded and had a 9mm round in the chamber. Officer Santa Cruz Medina determined that Mr. Taylor did not have a permit to carry a concealed weapon.

9. Mr. Taylor admitted that he was the security guard involved in removing a patron. There is conflicting information in the report regarding the reason the patron was removed. Mr. Taylor stated that once outside of the bar, the patron continued to act aggressively to him so he used his OC spray. Mr. Taylor stated he did not call police regarding this incident.
10. Officer Santa Cruz Medina also noted that he recovered a small quantity of marijuana from Mr. Taylor's sweatshirt middle pocket. This substance tested positive for tetrahydrocannabinols (the active ingredient in marijuana) using the Duquenois- Levine Test and weighed 1.319 grams.
11. Officer Bret Vanden Boogard further reported that upon police investigation of the bar, there were approximately 12-15 persons within the bar after bar-close. Giovionte Mull stated that he was the bar manager that evening and the persons within the bar were all employees. Officers did not observe beverages or hookahs on the bar top. Mr. Mull reported that Mr. Taylor was hired by the bar to be an armed security guard. Mr. Mull stated that he believed Mr. Taylor had a permit to carry a concealed weapon since he was hired to be an armed security guard. There were cameras within the bar but no cameras outside of the bar that would have captured the incident.

Incident Two:

12. That on November 19, 2020, the West Allis Police Department was called regarding damage to a fence recently constructed by the owner of 5910 W. Burnham Street, the neighbor of TnT Sportz Bar. Officer Paul Hartmann reported that he was able to view surveillance video of the incident and was able to view what he believed to be three male subjects wearing hoods and masks kick down a section of the fence. Officer Hartmann concluded that it appears that these subjects were in some way associated with TnT Sportz Bar because they knocked down one segment of the fence specifically and pushed the dumpster that had been utilized TnT Sportz Bar through the area where the fence once stood.
13. Said fence was recently constructed on November 8, 2020, and created a situation where the dumpster was trapped in the back of the premises for TnT Sportz Bar and could no longer be utilized by the bar. The report indicates that the owner of the property where TnT Sportz Bar is located intended to have his own survey done and would remove the fence if it was on his property.

Incident Three:

14. That on or about November 21, 2020, since the dumpster had been removed from the fenced exterior of TnT Sportz Bar, it had been housed on a public sidewalk for a period of time causing a health hazard and an obstruction of the public sidewalk. According to Tim Last, Sanitation and Street Superintendent, the dumpster remained in use and on the public sidewalk for several days until at least November 24, 2020.
15. That garbage removal from TnT Sportz Bar continued to be an issue and on or about January 18, 2021, garbage was being stacked out front of the building on Burnham

Street and abutting adjacent property owner's property. Per Mike Weisnicht, Neighborhood Services Inspector for the City of West Allis, a citation was issued to the property owner.

Incident Four:

16. On February 2, 2021, West Allis Police Officers were dispatched to TnT Sportz Bar for a hang up call which stated a male was beating a female. Sergeant Kleinfeldt was first on scene at approximately 2:24 AM. When he approached the location he found the doors were locked but could see shapes of people moving consistent with a bar fight through a tinted window. Sgt. Kleinfeldt knocked on the door loudly and heard someone exclaim "The Police is here!" Officer Kleinfeldt stated that upon eventually being admitted entry into the bar he observed a female subject laying on the floor topless and out of breath. The interior of the bar smelled strongly of burned marijuana.
17. Sgt. Kleinfeldt noticed a subject towards the back door of the bar that leads to the basement. The subject, later identified as Deirdre Hill, appeared to direct a male to the door and closed the door. Hill attempted to stop Sgt. Kleinfeldt from conducting the lawful licensed premises check. Sgt. Kleinfeldt proceeded to enter the back basement area and found a male subject sitting on the back stairs, identified as Steven Gatson. In the basement, officers observed hookah tobacco devices.
18. Sgt. Kleinfeldt reported that upon investigation, Aristede Bratchett identified himself as an employee of the bar and stated he knew nothing and did not want to speak with police. He was reluctant to provide identification
19. Officers spoke with Steven Gatson, who identified himself as an employee. Officers asked what the argument was about and he stated, "I don't have nothing to say."

Gatson was reluctant to provide information and claimed to not have his ID on him, despite providing it a short time later.

20. Officer Vanden Boogard spoke with bar manager Giovionte Mull who stated that an intoxicated female was refusing to leave but he was not sure how the physical altercation in the location took place. Mull stated the camera system was non-operational and the cameras all showed "video loss."
21. Officer French spoke with Krystle Newman. Office French asked if Newman was an employee of the bar. Newman hesitated, looked away, and stated she was a waitress at the bar. She said she was counter her tips with her back to the fight and never turned around to see what was going on.
22. Officer Carlson spoke with Tia Johnson, the female that was found on the floor without clothing on the top of her body. Johnson stated that she had been drinking but she was "aware." She originally stated she had been struck but later that story began to change. Johnson claimed to be dancing at the bar that night and had been asked to entertain for the evening. Johnson was later issued a ticket for disorderly conduct.

Incident Five:

23. That on February 7, 2021, the West Allis Police Department was dispatched to the area of the 5900 block of W. Burnham Street for a shots-fired complaint. Citizen witnesses notified police that they heard between 8-12 gunshots emanating from the area of TnT Sportz Bar.
24. Officer Jeffrey Dufek reported that police investigation revealed that 8 shell casings were found in the street outside of TnT Sportz Bar.

25. Officer Vanden Boogard made contact with TnT Sportz Bar manager Giovionte Mull who stated that there was an argument between two groups of females earlier but that the groups were separated without any problems and left separately. One group left in a silver sedan and had an issue about a cell phone being left at the bar.
26. Sgt. Kleinfeldt stated he entered TnT Sportz Bar and immediately noticed the strong odor of burnt marijuana in the bar. Sgt. Kleinfeld searched the basement for persons hiding or injured parties and found three patrons hiding inside the basement of the bar. The patrons reported hearing gunshots outside and ran to the basement to hide. The three subjects were cooperative.

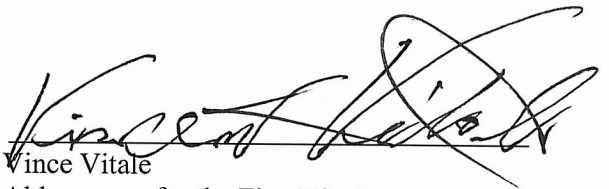
Violations of Law:

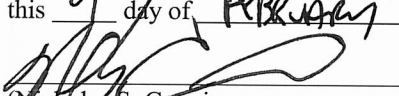
27. That based on the incidents detailed above MintoT LLC, by agent Tina Minto, has violated Wis. Stat. §§ 125.12(2)(ag)2 and West Allis Code § 9.02(20)a.vi. for keeping a premises that is disorderly, riotous, indecent, or improper and that is operated in a manner which constitutes a public or private nuisance.
28. Further, the establishment has violated Wis. Stat. § 125.04(5)(b) and is a habitual law offender based on the previous violations in addition to the newly alleged damage to property, marijuana, disorderly conduct, weapons offenses, and shooting and therefore is subject to suspension or revocation pursuant to Wis. Stat. § 125.12(2)(ag)1 and West Allis Code § 9.02(20)a.x.
29. That the establishment has violated West Allis Code § 9.02(12)(b) that a license holder and their employees shall cooperate with police investigations, including providing honest and truthful responses.

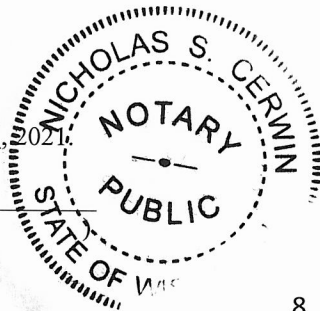
30. That the preceding violations are grounds for revocation or suspension of the Combination Class B intoxicating liquor and fermented malt beverage license that has been issued to MintoT LLC by agent Tina Minto for the premises located at 5906 W. Burnham in the City of West Allis, State of Wisconsin, under license number 20-2478 pursuant to Wis. Stat. §§ 125.04(5)(b), 125.12(2)(ag)1, 2, and 4, in addition to West Allis Municipal Code §§ 9.02(20)a.iv., 9.02(20)a.vi., 9.02(20)a.ix, and 9.02(20)a.x..

WHEREFORE, Alderperson Vince Vitale requests MintoT LLC by licensing agent Tina Minto 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 license issued to MintoT LLC should be revoked or suspended.

Dated this 09 day of Feb, 2021.

By: 
Vince Vitale
Aldersperson for the First District
License and Health Committee Chair
City of West Allis

Subscribed and sworn to before me
this 9 day of FEBRUARY, 2021.

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





License Period: July 1, 2020 to June 30, 2021

CLASS B TAVERN LICENSE: 20-2478
POOL TABLES - BILLIARDS LICENSE (1): 20-2701

ISSUED TO:
MINTOT LLC
TINA M. MINTO, AGENT
D/B/A TNT SPORTZ BAR
5906 W. BURNHAM ST.
WEST ALLIS, WI 53219

*U Tina Minto is surrendering
license to West Allis.
2/10/2021*

T Minto

Issued Date: 07/07/2020

Expiration Date: 06/30/2021

PREMISES DESCRIPTION:

Alcohol to be sold main area at the bar.

Rebecca N. Grill

Rebecca Grill, City Administrator/Clerk

This license is subject to the laws of the State of Wisconsin, in particular, Chapter 125 of the Wisconsin State Statutes, the Ordinances of the City of West Allis, and the enactment of a new law or ordinances.

This license is subject to suspension or revocation for non-observance of the provisions of the ordinances of the City of West Allis or of the statutes of the State of Wisconsin.

This license must be framed and posted in a conspicuous place in the room where fermented malt beverages and intoxicating liquors are sold or served.



WEST ALLIS POLICE DEPARTMENT

Patrick S. Mitchell
Chief of Police

Robert Fletcher
Deputy Chief of Police

Christopher Marks
Deputy Chief of Police

January 3, 2020

To: Mayor Dan Devine

License and Health Committee:

- Aldersperson Vincent Vitale (Chair)
- Aldersperson Suzzette Grisham (Vice-Chair)
- Aldersperson Rosalie Reinke
- Aldersperson Daniel J. Roadt
- Aldersperson Tracy Stefanski
- Assistant City Attorney Nicholas Cerwin

The following is a summary of reported incidents involving licensed businesses, including reported tavern violations and calls for police service during the month of December 2020:

INCIDENT REPORTS:

CASE#20-042950 – 12/06/2020 – 2005hrs. – Lynch’s Tavern – 2300 S. 108 St.

Caller: Cassandra Cortez

Officer Christianson Reports...

On 12/06/20 at 2005hrs, Officers were dispatched to Lynch's Tavern located at 2300 S 108 St for a report of a physical altercation. The investigation revealed Miguel R Lilley, M/W [REDACTED] struck the victim, Thomas M Zaremba, M/W [REDACTED], in the face with a closed fist. Miguel then attempted to start a fight with another patron but was fended off. Miguel observed Thomas trying to stand up and kicked Thomas, who is 70 years old, in the face. The kick caused Thomas to lose consciousness, pain, and swelling. Miguel fled the bar but was located a short time later. He was taken into custody for Substantial Battery - Age 62 or Older, First Degree Recklessly Endangering Safety, Disorderly Conduct and transported to the Milwaukee County. This case will be reviewed on 12/08/20 at 0830hrs.

CASE#20-043144 – 12/08/2020 – 2011hrs. – Crooked Crow – 1309 S. 60 St.

Caller: Ashley J. Wakeland

Officer Olson Reports...

On 12/08/20 at approx. 2011hrs, Officers responded to the Crooked Crow, 1309 S. 60 St. for a check on the welfare of a male and female acting strange by and inside a vehicle. Upon arrival, Officers made contact with Kyle AS Rucinski M/W [REDACTED] and Beth A. Brooks F/W [REDACTED],



WEST ALLIS POLICE DEPARTMENT

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both of which appeared to be under the influence of drugs. I also located a third male in the back of the vehicle, Brandon O. Arenas M/W [REDACTED]. I located a clear corner cut baggie in plain view inside the vehicle. A search of Arenas revealed three baggies of Methamphetamine, two containers containing heroin, and a third containing more Methamphetamine. A search of Rucinski revealed two baggies of Methamphetamine and a search of Brooks revealed marijuana and various drug paraphernalia. All three were arrested, booked for their offenses and released.

TAVERN RELATED INCIDENTS NOT REQUIRING INCIDENT REPORT:

CALL #20-042390 – 12/01/2020 – 2144hrs. – Spot Lite – 6426 W. Greenfield Ave.

Caller: Lonnie D. Bald

Officer Poklasny Reports...

On 12/01/20 at 2144 hours, Officers responded to the Spot Lite for a possible fight between subjects. Contact was made with Dennis W Bonneville (M/W, [REDACTED]) and Brent J Perkins (M/W, [REDACTED]). None of the involved subjects wanted anything done and were escorted from the business at the request of the owner.

CALL #20-043370 – 12/10/2020 – 1636hrs. – Wild Roots – 6807 W. Becher St.

Caller: Random Tavern Check

Officer Mussatti Reports...

On 12/10/20 at approx. 1636hrs. I performed a tavern check at Wild Roots (#2663), 6807 W. Becher St. I made contact with the bartender, Codi A. Peters, F/W [REDACTED]. She said she was in the process of obtaining her bartending license, but the owner was there earlier. She said he just stepped out. Contact was made with the listed agent, Thi T. Cao, M/A [REDACTED], via phone. He said he was getting a haircut and would be back at the business. I advised Codi to stop serving drinks until he's back. I returned later to speak to Thi. I advised him of the bartending requirements, and he was advised the incident would be documented.

CALL #20-043381 – 12/10/2020 – 1806hrs. – Harry O's – 6743 W. Lincoln Ave.

Caller: Random Tavern Check

Officer Niemuth Reports...

On 12/10/2020 at approx. 1806hrs, I conducted a tavern check at Harry O's 6743 W Lincoln Ave. When I entered the bar there were approx. 8 patrons in the tavern with drinks. I made



WEST ALLIS POLICE DEPARTMENT

Patrick S. Mitchell
Chief of Police

Robert Fletcher
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Deputy Chief of Police

contact with the bartender identified by WI DL as Crystal A. Husslein F/W [REDACTED] who was the only employee in the bar. When I asked for Crystal's bartender's license, she stated she went to city hall yesterday, 12/9/20 to pay for it. She stated she believed she could bartend while she was waiting for the license to be mailed. I advised her that City Hall would need to do a criminal history and when that is complete, she would receive a provisional bartender's license to bartend until she received her regular license. Crystal stated the owner Harry J. Strahlendorf, M/W [REDACTED] was upstairs. I advised her that since he is not down in the bar she cannot bartend. Harry came down to keep the tavern open. Crystal stated she has a license in Muskego but knows she needs one in West Allis. Due to Crystal stating she had filed for a license with the City of West Allis, I emailed Ann Neff regarding Crystal's status. Ann stated she does not even have an application for Crystal to become a bartender in West Allis. Due to Crystal being the only employee at the time of my check and not having a bartender's license in West Allis she was issued a citation with a local court date of 1/25/2021 at 0830hrs.

Tobacco and Alcohol/ Tavern Compliance Checks

Tobacco compliance checks:

No violations reported during this reporting period.

Alcohol compliance checks:

No violations reported during this reporting period.

Tavern compliance checks:

Tavern compliance squads check randomly selected taverns in the City of West Allis for miscellaneous tavern violations such as license violations.

Officers trained in Class B tavern compliance checks performed 51 tavern checks at randomly selected taverns in the month of December 2020.

Violation of Wisconsin Clean Air Act Smoking Ban:

No violations reported during this reporting period.

Respectfully submitted,

Sgt. Timothy Gold