

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

**In the Matter of the
Complaint Against**

COMPLAINT

**Z's Bar LLC
d/b/a Z's Bar
David Zarate, 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 Z's Bar 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 Z's Bar LLC is the current holder of a 2020-2021 Combination Class B intoxicating liquor and fermented malt beverage license, under license number 20-1469, for the premises located at 6309 W. National Avenue 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 Z's Bar LLC and approved for the 2020-2021 Combination Class B intoxicating liquor and fermented malt beverage

license, David Zarate is listed as the license agent and president or member of Z's Bar LLC, with Patricia Zarate listed as the vice president or member.

5. That official WAPD records indicate that on or about June 14, 2020, the police were dispatched to Z's Bar located at 6309 W. National Avenue for a bar fight.
6. Officer Sayeg was one of the first officers on scene at the Z's Bar location at approximately 2:00 AM on June 14, 2020. He could hear a loud commotion including people screaming and glass breaking. Officer Sayeg eventually entered the bar and saw a male subject identified as "Frankie" punching a patron multiple times in the face as well as multiple other people pushing and fighting. Officer Sayeg attempted to detain "Frankie" however other subjects began to push or block Officer Sayeg which allowed "Frankie" to temporarily evade arrest.
7. Officer Sayeg reported that he was able to eventually force his way out of the bar where a large group from the fight inside the bar was also beginning to spill out into public street and right-of-way. The crowd outside was resistive and disorderly with Officer Sayeg and multiple other officers who arrived on scene.
8. Officer Carlson reported that she was dispatched to Z's Bar on June 14, 2020 at approximately 2:00 AM. When she arrived on scene, she observed a large fight in the bar with several people attempting to punch each other. A female, "Ana" had been pushed onto a wall and fell to the ground near the entry to the bar. Officer Carlson feared that "Ana" would be trampled as numerous people were pushing their way to the exit and so she grabbed "Ana" and stood her up to get her out of danger. Officer Carlson exited the bar and saw a large commotion with subjects screaming and

yelling. Based on the large amount of angry individuals outside the bar at this time, she called dispatch to send more officers.

9. Officer Carlson further reported that she observed Officer Luedke exit Z's Bar to assist other officers. "Ana" pulled away from the group and attempted to punch Officer Luedke. "Ana" was directed to the ground but continued to yell, use profane language, and cause a disturbance outside of the bar. Officer Carlson reported that "Ana" was highly intoxicated, and was difficult to understand based on her level of intoxication. "Ana" also tried to spit at officers on scene.
10. Officer Dufek reportedly that on June 14, 2020, he had contact with a subject identified as "Cerda" who stated that he had been beat up at a bar down the block, later identified as Z's Bar. When Officer Dufek was speaking with "Cerda" officer Dufek noted that the subject's speech was slurred, his eyes were red and glassy, and he had a strong odor of intoxicants emanating from his breath. Based on his training and experience, officer Dufek believed "Cerda" was heavily intoxicated.
11. Officer Jacobsen reported that he made contact with one of the owners of the bar, Patricia Zarate, who reported that she was in the basement of the bar at the time and didn't know what started the fight. She stated that she tried to break up the fight but was eventually pushed away. Officer Jacobsen reported that he also had contact with owner and agent, David Zarate, who was in the bar when the fight broke out but he was extremely intoxicated and not able to provide a description of what occurred or who was responsible.
12. Officer Jacobsen reviewed the surveillance video which shows a shoving match starting between some patrons including "Frankie" and "Ana" before the bar breaks

out in a mutual fight between multiple people throughout the entire bar. During this large and prolonged fight, a bar stool is thrown and swung as a weapon and a pool cue was picked up to be used as weapon. Officer Jacobson further reported that during the large fight, two purses were stolen.

13. Officer Jacobsen reported that approximately twenty citations were issued as a result of this fight and that at least 11 people were cited due to this disturbance at Z's Bar.
14. WAPD reports reflect that Wauwatosa Officer responded to the scene due to the large nature of the fight. Multiple officers reported that the disturbance was violent within the bar, and then spilled out onto the street where it continued to be violent, disorderly, profane, and boisterous in the community. Officer Hoff, Officer Sayeg, Officer Dufek, Officer Carlson, and Officer Jacobson all reported to have arrested or had close interactions with individuals who had been consuming alcohol in the bar and were highly intoxicated.
15. That based on the incident detailed above on June 14, 2020, Z's Bar LLC, by agent David Zarate, has violated Wis. Stat. §§ 125.07(2)(a)2, 125/12(2)(ag)1, and West Allis Code § 9.02(20)a.iii. for selling or vending alcohol to intoxicated persons, and 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.
16. 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 Z's Bar LLC by agent David Zarate for the premises located at 6309 W. National Avenue in the City of West Allis under license number 20-1469.

WHEREFORE, Alderperson Vince Vitale requests Z's Bar LLC by licensing agent David Zarate 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 Z's Bar LLC should be revoked or suspended.

Dated this _____ day of _____, 2020.

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

Subscribed and sworn to before me
this _____ day of _____, 2020.

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