

90.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2014-0144 Report Held in Committee

Police Department Report involving Capt'n Nicks, 1503 S. 81 St. (2013-2014 Class B Tavern License no. 453 and Dance Hall License no. 503 of Cygnet Enterprises, Ltd., Scott A. Giesege, Agent, Incident Date: February 28, 2014).

Introduced: 3/18/2014

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAY 06 2014	<u>WAT</u>		Barczak	✓			
	✓		Czaplewski	✓			
			Haass	✓			
			Lajsic				
			May				
			Probst				
			Reinke				
			Roadt	✓			
		Vitale					
		Weigel	✓				
		TOTAL		5	0		

SIGNATURE OF COMMITTEE MEMBER


Chair

Vice-Chair

Member

COMMON COUNCIL ACTION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAY 06 2014	✓	✓	Barczak	✓			
			Czaplewski	✓			
			Haass	✓			
			Lajsic	✓			
			May	✓			
			Probst	✓			
			Reinke	✓			
			Roadt	✓			
			Vitale	✓			
		Weigel	✓				
		TOTAL		10			



**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 2/28/2014
To: Lieutenant Jessica Johnson
From: Officer Komorowski

Violation Type

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

Incident #: 14-001782 N/A

Location: 1503 S. 81st st. N/A

Establishment Name: Captain Nicks N/A

Establishment License #: N/A

Establishment Owner: N/A

Owner Address: N/A

Violation(s): N/A

Offender: Penny Aldermann N/A

Offender Address: 1446 S. 81st st N/A

Offender: N/A

Offender Address: N/A

Offender: N/A

Offender Address: N/A

Offender: N/A

Offender Address: N/A

Additional Offenders listed in Incident Report narrative: Yes No

Reviewed by Commanding Officer: Yes

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

Commanding Officer Signature:

Reviewed by Deputy Chief Robert Fletcher:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Date: 02/28/2014
CFS Code-1: 1313
Incident Report Number: 14-001782

Incident: Simple Assault			
Incident Report Number: 14-001782	Between: Date - Time	And/At: Date-Time 2/28/14	21:29
Incident Location: 1503 S 81 St;WA, West Allis, WI, 53214			
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:

B	Name (Last, First, Middle) Captain Nicks,	DOB:	Race/Sex
Address: (Address, City, State, Zip) 1503 S 81 St, West Allis, WI, 53214			Home Phone Number
Employer			Work Phone Number (414) 302-9688
Employer Address			Cell Phone Number
W	Name (Last, First, Middle) Giesegeh, Tom J	DOB: 02/18/1964	Race/Sex W/M
Address: (Address, City, State, Zip) 8737 W Monrovia Ave, Milwaukee, WI, 53225			Home Phone Number (414) 258-1060
Employer			Work Phone Number
Employer Address			Cell Phone Number (414) 412-5137

SUMMARY

Officer Komorowski reports:

Officers responded to 1503 S. 81st st. for a woman who had been punched in the face. Upon officer's arrival, I spoke with Tom Giesegeh who said his girlfriend Penny Alderman had gotten into an argument with another woman in a nearby bar. Penny alledged the woman intentionally ripped her new fur coat. Investigation revealed the women began to argue in the bar. The women both went outside and Penny punched Elizabeth Nelson in the face causing it to swell/bruise. Penny was arrested/cited for battery and released. Her court date is set for 3/31/14 at 0830hrs.

Vehicle Information: (Year, Make, Model, Style, Color)				
License Number:	State:	Expiration Year:	Vin:	Insurance Company:
Other Vehicle Information:			NCIC#	
Reporting Officer(s): Komorowski, Jason		Payroll Number: 9907	Payroll Number:	Report Date:
Time Received: 21:29:14	Time Cleared: 22:19:34	Unit(s) Assigned: 212, 216, 217, 219	Pages: 1 Of 4	
Reviewed by: Evenson, Chad		Payroll Number: 1870	Copy To	

West Allis Police Department

Continuation

Incident Report Number
14-001782

Incident Location:
1503 S 81 St;WA, West Allis, WI, 53214

Incident Date:
02/28/2014

NAMES

Victim

Nelson, Elizabeth D W/F-53 of 1041 S 75 St, West Allis,WI,53214
DOB: 01/26/1961
Cell Phone:(608) 317-4663

Offender

Alderman, Penny J W/F-55 of 1446 S 81 St,26, West Allis,WI,53214
DOB: 02/10/1959 DL: A436-6705-9550-02
HT: 502 WT: 110 Hair: Brown
Eyes: Blue
Home Phone:(608) 201-8286

Booking#: 14-000972

Case#	Charge	Description	Ct
14-001782	WA-940.19	Battery	1

NARRATIVE

INITIAL CALL

Officers responded to 1503 S. 81 St. for a report of woman who had been punched in the face. Upon arrival, I observed the victim, Elizabeth Nelson, holding an ice pack to her face and her left eye appeared to be swollen. The offender was not on scene, so I spoke with the offender's boyfriend, Tom Giesegeh.

STATEMENT OF TOM GIESEGEH-WITNESS

According to Tom, his girlfriend Penny walked toward the bathroom where Elizabeth was sitting to show Elizabeth her new coat. Penny later alledged Elizabeth had intentionally ripped Penny's coat. Tom said Penny and Elizabeth then began to argue. From across the bar, Tom could hear Penny say "get your hands off my coat". Penny and Elizabeth separated, but continued to yell/argue from across the bar. Elizabeth said to Tom, "You want me to kick your girlfriend's ass?"

Elizabeth left the bar, so Penny followed her outside. Tom did not go outside, but later when Penny came back inside, she put her coat on and left. Penny

Reporting Officer(s):
Komorowski, Jason

ID Number
9907

ID Number

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Incident Report Number
14-001782

Incident Location:
1503 S 81 St;WA, West Allis, WI, 53214

Incident Date:
02/28/2014

informed Tom that she had punched Elizabeth in the face and was going home to get ready to go to jail. The entire argument lasted about 15-20 minutes, and both Penny and Elizabeth had been drinking.

Tom called Penny and asked her to come back to the bar.

STATEMENT OF ELIZABETH NELSON-VICTIM

See Officer J. Cerqua's supplemental report.

PHOTOGRAPHS'S

See Officer J. Cerqua's supplemental report.

ON SCENE STATEMENT OF PENNY ALDERMANN-OFFENDER

Penny said she was showing off her new beaver fur coat and promise ring. Penny stated that Elizabeth grabbed the coat and says "there's a rip in it" and ripped a pre-existing hole even more. Penny said she asked Elizabeth why she would do such a thing, and asked if it was because Elizabeth was "stupid or vindictive". Penny said she was so upset she went to sit back down. Penny and Elizabeth were yelling at each other across the bar, and Penny said she would like to kick Elizabeth's ass. Penny could not remember how much she had to drink, but denies punching Elizabeth. Penny said she left the bar first.

OFFICER ACTIONS/OBSERVATIONS

Based on the victim and witness statements, I arrested Penny for battery and issued her a local citation. On 3/3/14 I observed the surveillance footage from the incident. At 2104 hrs, video shows Penny walk over by Elizabeth to show off her new ring and coat. Elizabeth is observed grabbing the coat to point out that there is a rip in it. It does not appear that Elizabeth rips the coat. Penny pulls the coat away and Elizabeth can be seen raising her arms and pulling away indicating she did not intentionally do any damage to the jacket.

Penny walks away, but at 2117 hrs, Penny confronts Elizabeth near the gaming machines and gets in her face. Penny starts yelling at Elizabeth who in turn starts yelling back. Penny walks away but they continue to exchange words. At approximately 2125 hrs Elizabeth walks out of the bar, and Penny immediately follows her. The door closes, but as it opens again Penny can be seen punching Elizabeth in the face at approximately 2127hrs. Penny then walks back in the bar, puts on her jacket, and walks northbound from the bar.

IN CUSTODY STATEMENT OF PENNY ALDERMANN

Reporting Officer(s):
Komorowski, Jason

ID Number
9907

ID Number

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West Allis Police Department

Continuation

Incident Report Number

14-001782

Incident Location:

1503 S 81 St;WA, West Allis, WI, 53214

Incident Date:

02/28/2014

Prior to questioning, I read Penny her Miranda Rights off a WAPD standard form. Penny said she understood her rights and was willing to answer my questions without a lawyer present.

Penny said she was showing off her ring and fur coat worth \$2500. Penny said when she showed the coat to Elizabeth she said "There's a rip in it. This is nothing but a "Goodwill" jacket. This is so cheap". Penny said she was so shocked she went back to her seat to sit down. Penny said "Why would you do that? Are you that vindictive? You are an evil person for doing that". Penny was saying was how cheap Tom is, and that it's a "Goodwill" jacket.

Penny said they argued for a few minutes. She said she does not like to make a scene in a bar because she is also a bartender. She went outside about the same time as Elizabeth to have a cigarette. While outside, Elizabeth told her Tom was "a cheap motherfucker" and the jacket was a Goodwill jacket. Penny said she did not punch Elizabeth, and she must have got the mark from punching herself in the face because she is crazy. Penny said there were people outside when this happened, but was unsure how many. She does not know where those people went.

Penny said she was embarrassed for the argument and was leaving. She did not tell Tom she punched Elizabeth or that she was leaving because she was going to jail. Tom must have said that on scene because he was drunk. Tom and Elizabeth used to have a physical relationship. Penny never threatened to punch Elizabeth and Elizabeth never threatened her.

Penny was embarrassed because she got upset over the jacket. Penny said she took off the jacket to show it to Elizabeth. Elizabeth grabbed the jacket with two hands and ripped it. Penny said she went to sit down and did not immediately start arguing with Elizabeth.

PROPERTY

1-DVD containing the bar's sureveillance footage.

CASE DISPOSITION

Penny was arrested/cited for local battery and released. Her court date is set for 3/31/14 at 0830hrs.

Reporting Officer(s):

Komorowski, Jason

ID Number

9907

ID Number

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West Allis Police Department

Supplementary Report

Incident Report Number 14-001782	Incident Location: 1503 S 81 St;WA, West Allis, WI, 53214	Incident Date: 02/28/2014
New Incident:	Original CFS Code - 1: 1313	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

INITIAL CALL

On 02/28/14 at 2129 hours, officers were dispatched to a fight at Capt'N Nicks bar at 1503 S 81 St. Upon my arrival at the bar, I was directed to speak to a witness inside the bar. The witness I spoke to identified herself verbally as Christi L. Stien, f/w, 05/19/82.

STIEN'S STATEMENT

Stien said she observed Elizabeth D. Nelson, f/w, 01/26/61 and Penny J. Alderman, f/w, 02/10/59 arguing inside the bar. At some point, Nelson decided to leave due to the escalating argument. Stien said she decided to then escort Nelson out of the bar. As Nelson and Stien were crossing the threshold of the entry/exit door, Alderman came up behind them and punched Nelson in the face twice. Alderman and Nelson continued to argue for a moment before the pair separated. A short time later, Alderman left the bar and the police arrived on scene. Officer Komorowski eventually placed Alderman under arrest and transported her to the West Allis Police Department.

Reporting Officer(s): Krueger, Richard	Payroll Number: 9967	Payroll Number:	Report Date: 02/28/2014
Reviewed by: Evenson, Chad	Payroll Number: 1870	Copy To:	1 Of 1

West Allis Police Department

Supplementary Report

Incident Report Number 14-001782	Incident Location: 1503 S 81 St;WA, West Allis, WI, 53214	Incident Date: 02/28/2014
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NAMES

Victim

Nelson, Elizabeth D W/F-53 of 1041 S 75 St, West Allis,WI,53214
 DOB: 01/26/1961
 Cell Phone:(608) 317-4663

NARRATIVE

Cpl. J. Cerqua reports:

INITIAL COMPLAINT

On 02/28/14, I responded to Capt'n Nicks, 1503 S 81 St, for an assault investigation.

STATEMENT OF ELIZABETH D. NELSON

I made contact with Elizabeth D. Nelson, F/W 01/26/61, who stated she was assaulted by Penny J. Alderman, F/W 02/10/59. Penny had since fled the area, and most likely had walked to her apartment in the 1400BLK of S 81 St. Elizabeth advised Penny is currently dating her ex-boyfriend, "Tom."

According to Elizabeth, she got to the tavern on 02/28/14, at approximately 2000 hrs. Penny arrived at the tavern at approximately 2040 hrs, and walked up to Elizabeth to show off a ring and a fur coat she was wearing. Penny told Elizabeth she was engaged and Elizabeth congratulated her. As Elizabeth's friend walked up to them, Penny turned and Elizabeth noticed a rip on the shoulder area of her fur coat. Elizabeth pointed out the rip on Penny's coat, and Penny walked away to talk to Tom.

A short time later, Penny walked up to Elizabeth and pinched the back of her neck with her hand. She then accused Elizabeth of ripping her coat, which Elizabeth denied doing. Penny then walked into the bathroom but returned a short time later. She again grabbed the back of Elizabeth's neck and continued to accuse her of damaging her coat.

Penny walked away from Elizabeth but began to yell at her and call her names, which included, "Bitch, slut, and cunt." Elizabeth decided to finish her drink and leave the tavern, to avoid a possible altercation with Penny. As she exited the tavern, Penny followed her and punched her in the face twice.

Reporting Officer(s): Cerqua, Jonathan	Payroll Number: 9650	Payroll Number:	Report Date: 03/02/2014
Reviewed by: Pye, Nicholas	Payroll Number: 1832	Copy To:	1 Of 2

West Allis Police Department

Continuation

Incident Report Number 14-001782	Incident Location: 1503 S 81 St;WA, West Allis, WI, 53214	Incident Date: 02/28/2014
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with a closed fist. The punches occurred while on the sidewalk in front of the tavern, and Elizabeth told her she was calling the police. Penny then left on foot N/B, and most likely to her apartment in the 1400BLK of S 81 St.

Elizabeth denied damaging or ripping Penny's coat, and stated she did not hit, strike, or assault Penny in any manner. Elizabeth complained of pain to her face, and stated she wanted to pursue charges against Elizabeth for hitting her. I advised Elizabeth there were cameras in the tavern that would show whether or not she damaged Penny's coat, and that she could be arrested if that was the case. Elizabeth stated she understood, but was adamant she did not damage Penny's fur coat and the surveillance footage would prove it. She did admit she lightly touched the coat while Penny showed it off, but she did not rip it.

LACK OF CONSENT

Elizabeth did not give Penny consent to punch or assault her in any manner, causing her pain.

OFFICER OBSERVATIONS

I observed swelling and slight redness to the left side of the bridge of Elizabeth's nose, as well as under her left eye. She stated the swelling and redness was a result of Penny punching her, but she declined to have a rescue respond for her injuries.

PHOTOGRAPHS

Using the Sgt.'s departmental digital camera, I took the following photographs of the incident:

1. Location of the offense (Capt'n Nicks)
2. Overall view of Elizabeth
3. Close up of Elizabeth's face
4. View of Elizabeth's left side of her face showing minor swelling
5. Close up view of the front of Elizabeth's face
6. Overall view of Penny's fur coat
7. Close up of the rip on Penny's fur coat
8. WAPD Photography Data Sheet

The photographs were saved on digital media card S6C, which was later sealed in an envelope and placed in the secure FTSB media drawer for processing.

Reporting Officer(s): Cerqua, Jonathan	ID Number 9650	ID Number	Pages: 2 Of 2
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West Allis Police Department

Supplementary Report

Incident Report Number 14-001782	Incident Location: 1503 S 81 St;WA, West Allis, WI, 53214	Incident Date: 02/28/2014
New Incident:	Original CFS Code - 1: 1313	New CFS Code - 1 : New CFS Code - 2:

PROPERTY LIST

Seq#	Reason	Make/Model	Description/Serial#	Quan/Value
=====				
14-001498				
1	EVI		Video of offender punching victim	1.000 \$0.00 [Recovered]

Reporting Officer(s): Komorowski, Jason	Payroll Number: 9907	Payroll Number:	Report Date: 03/04/2014
Reviewed by: Evenson, Chad	Payroll Number: 1870	Copy To:	1 Of 1