



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Minutes License & Health Committee

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

Tuesday, January 26, 2010

6:00 PM

West Allis City Hall Room 128

REGULAR MEETING

A. CALL TO ORDER

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

B. ROLL CALL

Present: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
Excused: 1 - Ald. Sengstock

Others present: Cortney A. Oettinger, Tanya M. Mena, Hector E. Guillermo, Brad Mark Roessger, Rupinder K. Randhawa, Harry J. Strahlendorf, Joseph A. Jeffords, Jacob M. Silber, Mario P. Morgese & Attorney Andrew Arena, Kamal H. Issa, Lt. Terry Morrissey, West Allis Police Dept., Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

C. APPROVAL OF MINUTES

A motion was made by Ald. Weigel, seconded by Ald. Roadt, to approve the minutes of the special meeting of December 15, 2009, special recess meeting of January 5, 2010, and recess meetings of December 15, 2009, January 5, 2010 and January 19, 2010. The motion carried unanimously.

E. NEW AND PREVIOUS MATTERS

3. [2009-0782](#) 2009-2010 Tavern Operator License application no. 10-413 of Cortney A. Oettinger.

Appearance by Cortney A. Oettinger. Ms. Oettinger informed the Committee that her trial date is scheduled for February 26, 2010. Attorney Merten advised Ms. Oettinger to call her when the trial is over. Ms. Oettinger was told she could still get a temporary for an additional \$15.00 if she needed it.

Held

4. [2009-0801](#) 2009-2011 Tavern Operator License application no. 11-414 of Angela C. Gutbrod.

Nonappearance of Angela C. Gutbrod. Ms. Gutbrod did not contact the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.

Held

5. [2009-0802](#) 2009-2011 Tavern Operator License application no. 11-416 of Tanya M. Mena.
- Appearance by Tanya M. Mena. Ald. Weigel questioned Ms. Mena about an incident she did not list on her application. Ms. Mena stated she had forgotten about it because it was four (4) years ago. Ald. Weigel informed Ms. Mena of the City's compliance check program and to check identification. Ald. Barczak reminded Ms. Mena to call the police for any signs of trouble.*
- A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
6. [2010-0033](#) 2009-2011 Tavern Operator License application no. 11-423 of Hector E. Guillermo.
- Appearance by Hector E. Guillermo. Chair Czaplewski commented that Mr. Guillermo's incident was a long time ago.*
- A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
7. [2009-0457](#) 2009-2010 Class B Tavern License renewal application no. 1283 of MJJB, LLC, Brad Mark Roessger, Agent, d/b/a Bugsy's for premises located at 6851 W. Beloit Rd.
- Appearance by Brad Mark Roessger. Mr. Roessger told the Committee that the buyers have been delayed. He thought they had been into the Clerk's office to apply for the license. He was informed that the Clerk's Office has not received a new application regarding this location. Mr. Roessger replied that Mark Holbert from Sportz Medicine was going to apply.*
- Held**
8. [2009-0658](#) Police Department Report regarding September 16, 2009 Alcohol Compliance Check involving ten (10) West Allis businesses, resulting with two (2) selling alcohol to an underage person without requesting identification (2009-2010 Combination Class A Liquor License no. 1080 and Cigarette License no. 1081 of Dilneet Corporation, Rupinder K. Randhawa, Agent, d/b/a West Allis Liquor & Tobacco, 7218 W. Greenfield Ave.).
- Appearance by Rupinder K. Randhawa. Ms. Randhawa informed the Committee that their son was filling in when the alcohol compliance check was done. She stated that their son made a mistake because he was very upset about his father's serious illness. Ald. Barczak reminded Ms. Randhawa about the City's alcohol and tobacco compliance check program.*
- A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

9. [2009-0786](#) Police Department Report involving Harry O's 2nd Base, 6743 W. Lincoln Ave. (2009-2010 Class B Tavern License no. 827, Dance Hall License no. 829 and Instrumental Music License no. 830 of Harry O's, Inc., Harry Strahlendorf, Agent, Incident Date: November 4, 2009).
- Appearance by Harry J. Strahlendorf. Chair Czaplewski stated that it appeared Mr. Strahlendorf's staff did everything correct.*
- A motion was made by Ald. Weigel, seconded by Ald. Barczak, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
10. [2009-0787](#) Police Department Report involving Smokin' Joe's Pub, 6139 W. Beloit Rd., (2009-2010 Class B Tavern License no. 1427, Dance Hall License no. 1428 and Instrumental Music License no. 1430 of Smokin' Joe's Pub, LLC, Joseph A. Jeffords, Agent, Incident Date: November 10, 2009).
- Appearance by Joseph A. Jeffords. Ald. Barczak commented that Mr. Jeffords' staff followed correct procedure in calling 911.*
- A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
11. [2009-0788](#) Police Department Report involving The Network, 9541 W. Cleveland Ave. (2009-2010 Class B Tavern License no. 786, and Dance Hall License no. 788 of The Network, LLC, Stephen S. Silber, Agent, Incident Date: October 25, 2009).
- Appearance by Jacob M. Silber. Mr. Silber told the Committee the incident involved two (2) friends that got into a fight. The staff followed proper procedure.*
- A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
1. [2010-0070](#) Summons and Complaint in the matter of the complaint against M & W Hospitality, Inc., Mario P. Morgese, Agent for the premises located at 1900 S. 60 St., d/b/a Mario's (2009-2010 Class B Tavern License no. 1091, Dance Hall License no. 1092 and Instrumental Music License no. 1093).
- Appearance by Mario P. Morgese and Atty. Andrew Arena. Mr. Morgese said he does not agree with all the allegations in the Complaint. Atty. Arena told the Committee he would like his name stricken from the Summons. He informed the Committee that he is the registered agent for M&W Hospitality, Inc. but does not deal directly with the d/b/a Mario's nor is his name on the license application. He stated he was not here as legal counsel to represent Mr. Morgese. Atty. Merten replied that according to State Statutes it is proper procedure to list the registered agent. Atty. Arena disagreed and asked the Committee to strike his name from the Summons. Chair Czaplewski responded that he would follow the recommendation of Atty. Merten.*
- Chair Czaplewski informed Atty. Merten that the Committee would like to move forward with the Hearing. Atty. Merten replied she would set up the Hearing dates and provide Atty. Arena with the necessary information. Mr. Morgese inquired how long the Hearing process could take. Ald. Barczak replied it could begin in two (2) weeks to a month, and could last three (3) to six (6) months, with meetings twice a week and possibly on Saturdays. Mr. Morgese stated he would like to work with the License & Health Committee and the City Attorney's Office*

rather than have to go through this lengthy process.

He said he has an obligation to his employees and doesn't want to waste the time and money a Hearing would involve. Atty. Merten told the Committee that if Atty. Arena sends a letter to the City Attorney's Office stating he is not counsel for Mr. Morgese, she would be able to negotiate directly with Mr. Morgese regarding the License & Health Committee's recommendations. Ald. Barczak told Mr. Morgese he can work with Atty. Merten after she receives the letter from Atty. Arena stating he is not legal counsel for Mr. Morgese. Mr. Morgese expressed concerns about his legal rights if he does not like the License & Health Committee's recommendations. Atty. Merten informed Mr. Morgese he can hire legal representation at anytime during the proceedings.

Lt. Morrissey advised Mr. Morgese to contact Lt. Benish if he would like some assistance with the problems at his establishment.

Held

2. [2009-0789](#) Police Department Report involving Mario's, 1900 S. 60 St. (2009-2010 Class B Tavern License no. 1091, Dance Hall License no. 1092 and Instrumental Music License no. 1093 of M & W Hospitality, Inc., Mario P. Morgese, Agent, Incident Date: November 14, 2009).

Appearance by Mario P. Morgese.

Held

12. [2010-0030](#) Police Department Report involving West Allis Cigarette Depot, 7023 W. Greenfield Avenue (2009-2010 Cigarette and Tobacco Products License no. 513 of Atlas Tobacco Wholesale Corporation, Kamal H. Issa, Agent, Incident Date: December 13, 2009).

Appearance by Kamal H. Issa. Mr. Issa told the Committee that his brother still works for him. Mr. Issa said he tried to correct the issue himself and had apologized to the Police Department. Ald. Barczak commented that he was particularly disturbed by the fact that the kids knew exactly where to go to sell this merchandise. Ald. Weigel commented that the Police Report states that Mr. Issa knew it was stolen merchandise and he lied to the Police. He reminded Mr. Issa that business owners and license holders need to be honest and cooperative, and form a partnership with the Police. Lt. Morrissey stated there was some trouble about a year ago involving Mr. Issa's brother and cautioned him to monitor his activities. Mr. Issa replied he has installed a security camera that he can watch from his home. Ald. Barczak recommended proceeding with a Summons and Complaint to revoke the Cigarette License.

A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Referred for Summons and Complaint to the City Attorney. The motion carried by the following vote:

Votes: Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

D. CLOSED SESSION

At 6:52 p.m., Chair Czaplewski stated it was the intention of the Committee to convene in closed session at said time and place to deliberate and confer with the City Attorney on the Summons and Complaint regarding M & W Hospitality, Inc., Mario P. Morgese, Agent for the premises located at 1900 S. 60 St., d/b/a Mario's (2009-2010 Class B Tavern License no. 1091, Dance Hall License no. 1092 and Instrumental Music License no. 1093).

A closed session for the above purpose is authorized pursuant to the provisions of Wis. Stats. Section 19.85(1)(a) and (g) which authorizes a governmental body, upon motion duly made and carried, to meet in closed session to deliberate concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body; and to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

A motion was made by Ald. Weigel, seconded by Ald. Barczak, to convene in closed session at 6:52 p.m. The motion carried by the following vote:

Votes: Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel

No: 0

Others present: Lt. Terry Morrissey, West Allis Police Dept., Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

Upon conclusion of the closed session at 7:00 p.m., the License and Health Committee reconvened in open session at said time and place to consider its public agenda, including motions to recommend approval or rejection of above-listed deliberations.

Present: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel

Excused: 1 - Ald. Sengstock

F. OTHER MATTERS TO COME BEFORE THE COMMITTEE FOR DISCUSSION/ACTION

13. [2010-0068](#) Discussion relative to Dance Hall Licenses for Dance Studios.

Discussion ensued relative to excluding Dance Studios from the current Dance Hall Ordinance since their main purpose is for instructional dance. Chair Czaplewski instructed Atty. Merten to amend the current Ordinance with the License & Health Committee as the sponsor.

Discussed and Consensus Given

G. ADJOURNMENT

A motion was made by Ald. Barczak, seconded by Ald. Weigel, to adjourn at 7:10 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*