



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2009-0137 Summons and Complaint (Licensing) In Committee

Summons and Complaint in the matter of the complaint against Lenny's, Inc., Leonard E. Malan, Agent for the premises located at 6309 W. National Ave., d/b/a Lenny's (2008-2009 Class B Tavern License no. 458).

Introduced: 3/3/2009

Controlling Body: License & Health Committee

PLACE ON FILE

COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 17 2009			Barczak	✓			
			Czaplewski	✓			
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
			Roadt	✓			
	✓		Sengstock	✓			
			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
MAR 17 2009	✓		Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
		✓	Weigel	✓			
			TOTAL	10			

STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL

ADMINISTRATION & FINANCE

Chair: Kurt E. Kopplin
Vice-Chair: Vincent Vitale
Thomas G. Lajsic
Richard F. Narlock
Rosalie L. Reinke

PUBLIC WORKS

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

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Richard F. Narlock
Kurt E. Kopplin
Rosalie L. Reinke
Vincent Vitale

LICENSE & HEALTH

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

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Daniel J. Roadt
Kurt E. Kopplin
Richard F. Narlock
Vincent Vitale

RECEIVED

FEB 26 2009

CITY OF WEST ALLIS
CLERK/TREASURER

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

**In the Matter of the
Complaint Against**

SUMMONS

**Lenny's, Inc.,
Leonard Malan, agent
S76 W13390 McShane Drive
Muskego, Wisconsin 53150**

STATE OF WISCONSIN)
) SS.
COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO LEONARD MALAN:

You are hereby notified that a sworn complaint, a copy of which is attached, has been duly made and filed, requesting a hearing on the suspension, revocation, or non-renewal of your Class B Intoxicating Liquor and Class B Fermented Malt Beverage Licenses, pursuant to the provisions of sec. 125.12, Wis. Stats.

NOW THEREFORE, you, Leonard Malan, are hereby summoned to appear before the License and Health Committee of the West Allis Common Council in Room 128 of the West Allis City Hall, 7525 West Greenfield Avenue, West Allis, Wisconsin, on March 3, 2009, at 7:00 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.

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

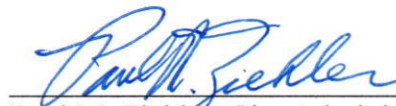
license(s) be suspended or revoked will be made to the full Common Council. The Common Council may then vote to suspend, revoke, or not renew your license(s).

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 24th day of February, 2009.

WEST ALLIS COMMON COUNCIL

By:



Paul M. Ziehler, City Administrative Officer,
Clerk/Treasurer

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

**In the Matter of the
Complaint Against**

COMPLAINT

**Lenny's, Inc.,
Leonard Malan, agent**

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

Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against Lenny's, Inc., as follows:

1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the First Aldermanic District in the City of West Allis, is the chairman of the License and Health Committee, and makes this complaint at the direction of the License and Health Committee of the West Allis Common Council.
2. That the information contained in this complaint comes from the complainant's review of official records maintained by the City of West Allis and the West Allis Police Department, which records complainant believes to be reliable and accurate.
3. That Lenny's, Inc. is the holder of a "Class B" Intoxicating Liquor & Class "B" Fermented Malt Beverage Licenses under Tavern License No. 8-458, issued by the West Allis Common Council for the license period beginning July 1, 2008, and ending June 30, 2009, for the premises located at 6309 West National Avenue, West Allis, Wisconsin and does business under the trade name "Lenny's."
4. That Leonard Malan is the registered agent of Lenny's, Inc.
5. That in the period of January 1, 2007, through December 31, 2008, officers responded to approximately 22 calls for service at Lenny's.

6. That on March 14, 2007, officers were dispatched to Lenny's for a fight inside the bar. Investigation revealed that four males attacked bar patron, Joshua Bantz, and stole \$400 from him. Bantz suffered abrasions and minor lacerations to his face and head. The males fled the bar prior to officer arrival.
7. That on March 31, 2007, officers responded to Lenny's for a report of a fight outside the bar. Investigation revealed that 20-year-old, Christopher Collen, was inside the bar and no one asked him for identification. An unknown female struck Collen with her shoe, and the rescue squad treated Collen for a cut on his hand.
8. That on May 30, 2007, officers responded to a battery complaint at the bar. Investigation revealed that an unknown male punched Mary Powless in the face while she was inside the bar. The unknown male then fled the scene. Powless suffered a small laceration and swelling to her lip.
9. That on January 1, 2008, officers were dispatched to a trouble call at Lenny's. Investigation revealed that James Flores struck his live-in girlfriend, Laleen Whitewater, in the face, causing a slight laceration. Flores was arrested and charged with disorderly conduct.
10. That on March 7, 2008, officers were dispatched to Lenny's for a possible fight outside the bar. Investigation revealed that four females were involved in a fight inside the bar. Two of the females were cited for disorderly conduct, and the other two females were cited for underage persons entering a licensed premise. Investigation also revealed that Socorro Kerner told officers that she had observed underage persons gain entry to Lenny's in the past by "slipping" door security a \$20.00 bill. The employees would then permit the underage persons to remain inside the bar and consume alcohol without checking for identification.
11. That on April 27, 2008, officers were dispatched to a fight outside the front entrance

of Lenny's. Investigation revealed that three patrons of Lenny's assaulted two other patrons and then fled the scene. The victims suffered lacerations and swelling. A witness to the incident, Angela King, who lives across the street from Lenny's, stated that arguments and fights were a constant problem outside of Lenny's on the weekends.

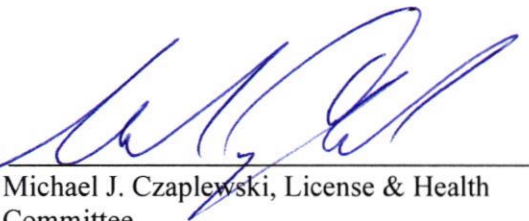
12. That on August 9, 2008, at approximately 12:12 a.m., officers observed Randy Henson and Lisa Henson, who was intoxicated, arguing loudly outside Lenny's. When Lisa Henson observed the officers, she ran inside the bar and tried punching her boyfriend, Gabriel Price, multiple times. Officers arrested Lisa Henson for disorderly conduct and issued her a citation.
13. That on October 18, 2008, at approximately 1:43 a.m., officers were dispatched to Lenny's for a fight. Upon arrival, officers observed numerous people in the street – some of whom were yelling loudly and causing a major disturbance. Investigation revealed that one of the people creating the disturbance in the street, Shaun Calabrese, had been drinking in Lenny's and had a strong odor of intoxicants on his breath. Calabrese was 20 years old and admitted that he was never asked for identification upon entering Lenny's. Additionally, officers determined that Jeremy Steinke, who was 20 years old, was inside Lenny's and was never asked for identification upon entrance. As a result of the altercations, officers issued four disorderly conduct citations and two underage person entering/remaining on licensed premises citations.
14. That on December 12, 2008, officers were dispatched to Lenny's for a possible bar fight. Upon arrival, officers observed Kyle Grierson and Justin Lindberg outside. Grierson, who was intoxicated, stated that he had been shooting pool at Lenny's when Lindberg punched him in the face several times. Officers spoke with Malan

during their investigation, and Malan admitted that he observed the altercation and asked Grierson and Lindberg to leave. Malan further admitted to officers that he did not call the police during or after the altercation. Officers issued citations to Lindberg and Grierson for their actions. Officers also removed Luis Benevides, at Malan's request, due to his being highly intoxicated and causing problems inside the bar.

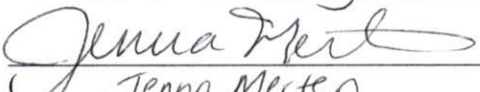
15. That Lenny's, Inc., has violated the provisions of Chapter 125, Wis. Stats.; keeps or maintains a disorderly or riotous, indecent or improper house; and has violated sections 9.02(12)(b), 9.02(12)(c) and 9.02(12)(d) of the West Allis Revised Municipal Code.

WHEREFORE, Michael J. Czaplewski requests that Lenny's, Inc. 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 Class B Tavern License of Lenny's, Inc. should be revoked, suspended, or not renewed.

Dated at this 24 day of Feb, 2009.

By: 
Michael J. Czaplewski, License & Health
Committee
West Allis Common Council

Subscribed and sworn to before me
this 24th day of February, 2009.


(Jenna Merten)
Notary Public, State of Wisconsin
My Commission expires: is permanent



ROGER C. PYZYK
ATTORNEY AT LAW
ASSOCIATED BANK BUILDING-SUITE 200
10701 WEST NATIONAL AVENUE
WEST ALLIS, WISCONSIN 53227-3239

TELEPHONE
(414) 321-1400

RECEIVED
MAR 16 2009
CITY OF WEST ALLIS
CLERK/TREASURER

TELEFAX
(414) 321-1404

March 16, 2009

City of West Allis Common Council

Re: *Lenny's Inc.*
6309 W. National Ave.

Dear Mayor & Common Council Members,

I recently appeared before the License Committee in response to a complaint issued against my tavern, Lenny's.

Although I had an explanation for certain of the allegations which I felt were not my fault and beyond my control, I do not contest the statements in the complaint.

I have agreed with the License Committee to voluntarily surrender my license for a suspension period of 10 consecutive days commencing April 26, 2009 thru May 5, 2009. The tavern doors will be locked and I will not be open for business during that time period.

I am kindly requesting that the Common Council accept the resolution of this matter and accept the closure period of April 26, 2009 thru May 5, 2009.

Thank you,

Leonard Malan

