

68.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2010-0189	Communication	Introduced
Stipulation In the Matter of the Complaint Against M & W Hospitality, Inc., Mario P. Morgese, Agent, d/b/a Mario's at 1900 S. 60 St.		
Introduced: 4/6/2010		Controlling Body: License & Health Committee

## COMMITTEE RECOMMENDATION

*Approve*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>4-6-10</u>		<input checked="" type="checkbox"/>	Barczak				<input checked="" type="checkbox"/>
			Czaplewski				
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
		<input checked="" type="checkbox"/>	Roadt				
			Sengstock				
			Vitale				
			Weigel			<input checked="" type="checkbox"/>	
		TOTAL		<u>3</u>	<u>1</u>		<u>1</u>

## SIGNATURE OF COMMITTEE MEMBER

*[Signature]* \_\_\_\_\_  
 Chair Vice-Chair Member

## COMMON COUNCIL ACTION

*approve*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>4-6-10</u>	<input checked="" type="checkbox"/>		Barczak <i>e</i>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin <i>e</i>				<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke <i>e</i>				<input checked="" type="checkbox"/>
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel			<input checked="" type="checkbox"/>	
		TOTAL		<u>6</u>	<u>1</u>		<u>3</u>



CITY CLERK/TREASURER'S OFFICE  
414/302-8200 or 414/302-8207 (Fax)  
[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)  
**Paul M. Ziehler**  
*City Admin. Officer, Clerk/Treasurer*  
**Monica Schultz**  
*Assistant City Clerk*  
**Rosemary West**  
*Treasurer's Office Supervisor*

April 15, 2010

M&W Hospitality, Inc.  
Attn: Mario P. Morgese, Agent  
1900 S. 60 St.  
West Allis, WI 53219

Re: Stipulation in the Matter of the Complaint  
Against M&W Hospitality, Inc

Dear Mr. Morgese:

Enclosed please find the Stipulation in the matter of the complaint against M&W Hospitality, Inc., d/b/a Mario's at 1900 S. 60 St. approved by the City of West Allis Common Council on April 6, 2010.

Please feel free to contact me should you have any questions in this regard.

Sincerely,

Monica Schultz  
Assistant City Clerk

/amn

encl.

cc: Chairman, License & Health Committee  
City Attorney  
Police Chief

March 23, 2010

Mario Morgese  
S95 W22990 Silvercrest Drive  
Big Bend, WI 53103

Re: Summons and Complaint for M & W Hospitality, Inc.

Dear Mr. Morgese:

Pursuant to our conversation yesterday, I have enclosed a revised stipulation for the complaint against M&W Hospitality, Inc. If the stipulation meets with your approval, please sign the agreement and return it to me in the self-addressed stamped envelope. You may keep a copy for your records.

I have rescheduled the matter to April 20, 2010, at 7:00 p.m., at the License and Health Committee portion of the Common Council meeting. If you cannot attend that date, please let me know. If you have any questions about the stipulation, please call me at 414-302-8450.

Very truly yours,

Jenna Merten  
Assistant City Attorney

Enclosures

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

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**In the Matter of the Complaint against M&W Hospitality, Inc.,  
D/b/a Mario's**

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STIPULATION

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The West Allis City Attorney's Office, by Assistant City Attorney Jenna Merten, and M&W Hospitality, Inc., by its president, Mario Morgese, hereby agree and stipulate as follows:

1. That the Summons and Complaint against M&W Hospitality, Inc. (hereinafter "M&W") was filed with the City Clerk/Treasurer pursuant to Wis. Stat. § 125.12(2);
2. That the Summons and Complaint was served in accordance with Wis. Stat. § 125.12(ar);
3. That M&W waives its right under Wis. Stats. § 125.12(2)(d) to appeal the proceedings had in this matter;
4. That sufficient grounds are stated in the complaint for the imposition of sanctions set forth in Wis. Stat. 125.12(2)(b)2;
5. That no alcohol beverages shall be served at 1900 South 60<sup>th</sup> Street, West Allis, Wisconsin for a period of 21 consecutive days commencing at 12:01 a.m., June 17, 2010 and terminating at 6:00 a.m. July 8, 2010;
6. That M&W agrees to maintain all surveillance camera footage from the tavern for a period of 30 days and shall turn over a copy of any such footage within 48 hours of a police officer's request;

RECEIVED

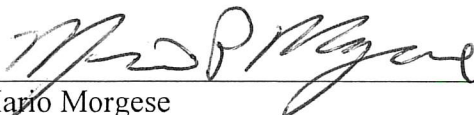
APR 05 2010

WEST ALLIS  
CITY ATTORNEY

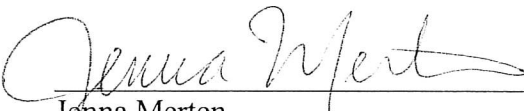
7. That M&W agrees to utilize an identification verification machine and use it to record the name and identification for every patron that enters the tavern, maintain those records for 30 days, and have those records available to law enforcement within 48 hours of an police officer's request;
8. That M&W agrees to refuse admittance to patrons who have created problems inside or outside the tavern in the past;
9. That M&W agrees that Morgese and all employees will participate and successfully complete a training session developed by the West Allis Police Department on the tavern laws of the City of West Allis and State of Wisconsin by June 27, 2010; and thereafter, within 30 days of hire for new employees; If, for some reason, the training session program agenda has not been finalized by the West Allis Police Department by June 27, 2010, M&W agrees that Morgese and all employees will participate and successfully complete the training session within 30 days notice of the finalization of the training session program agenda.
10. M&W agrees to place security guards in positions, within 30 minutes of closing time and until every patron has left, to ensure that patrons leave the premises and the area of the tavern quickly and quietly;
11. That the allegations which form the basis of this complaint shall not be used as grounds for any future suspension, revocation, or non-renewal proceeding, except to the extent that the facts alleged in the complaint demonstrate a pattern of conduct for M&W;
12. That the West Allis Common Council must approve this stipulation prior to it becoming effective;

13. That if the West Allis Common Council does not approve the agreement, the matter shall return to the License and Health Committee of the West Allis Common Council for hearing pursuant to Wis. Stat. 125.12(2)(b);

14. That if the West Allis Common Council approves this stipulation, the City of West Allis and M&W Hospitality, Inc. are bound to the terms of the stipulation and failure to comply with said terms will result in continuation of the hearing procedures set forth in Wis. Stat. 125.12(2)(b).

  
\_\_\_\_\_  
Mario Morgese  
President, M&W Hospitality, Inc.

4/1/10  
Date

  
\_\_\_\_\_  
Jenna Merten  
Assistant City Attorney  
City of West Allis

3/23/10  
Date



**CITY CLERK/TREASURER'S OFFICE**

414/302-8200 or 414/302-8207 (Fax)

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**Paul M. Ziehler**

*City Admin. Officer, Clerk/Treasurer*

**Monica Schultz**

*Assistant City Clerk*

**Rosemary West**

*Treasurer's Office Supervisor*

April 15, 2010

Department of Revenue  
MAIL STOP 6-40  
2135 Rimrock Road  
Madison, WI 53713

Re: Stipulation in the Matter of the Complaint  
Against M&W Hospitality, Inc

Dear Mr. Johnson:

Pursuant to §125.13, Wis, Stat., enclosed please find the Stipulation in the matter of the Complaint against M&W Hospitality, Inc., d/b/a Mario's at 1900 S. 60 St. approved by the City of West Allis Common Council on April 6, 2010.

Please feel free to contact me should you have any questions in this regard.

Sincerely,

Monica Schultz  
Assistant City Clerk

/amn

encl.

cc: Chairman, License & Health Committee  
City Attorney

## Ann Neff

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**From:** Jenna Merten  
**Sent:** Wednesday, April 21, 2010 2:23 PM  
**To:** Ann Neff  
**Subject:** RE: Mario revised stipulation?

He came last night b/c I had told him that the matter was put on the agenda for the 20th. However, since the stipulation was done in time for the 6th, Scott thought it was okay to put it on the agenda b/c he didn't think Mario needed to be there. The one that is signed by Mario and that was passed on the 6th is the advised stipulation. Hopefully, that makes sense. I should have called him to tell him to not appear on the 20th, but I forgot to do so.



ltr.proposedstip.ma  
rio.revised...

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**From:** Ann Neff  
**Sent:** Wednesday, April 21, 2010 2:20 PM  
**To:** Jenna Merten  
**Subject:** RE: Mario revised stipulation?

Do you have a copy of the letter you might have sent him that he had with him last night?

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**From:** Jenna Merten  
**Sent:** Wednesday, April 21, 2010 2:15 PM  
**To:** Ann Neff  
**Subject:** RE: Mario revised stipulation?

I think he was a bit confused. The revised stipulation was passed on April 6, so we don't need to introduce it at the 27th.

Thanks,  
Jenna

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**From:** Ann Neff  
**Sent:** Wednesday, April 21, 2010 8:17 AM  
**To:** Jenna Merten  
**Subject:** Mario revised stipulation?

Jenna,

Mario showed up at the Council meeting last night. He had a letter about a revised stipulation with a request to appear. If this is so, we need to put it on the agenda for the L&H meeting Tuesday the 27th. Could you please provide me with that letter?

*Ann Marie*