

63.
57.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2009-0519 Summons and Complaint (Licensing) In Committee

Summons and Complaint in the matter of the complaint against Tammy Wetzel, 2008-2010
Tavern Operator License no. 10-246.

Introduced: 8/4/2009

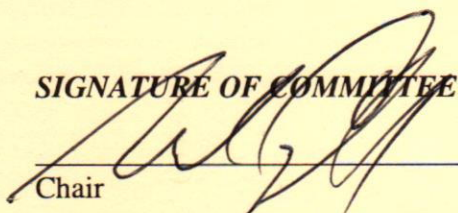
Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

TW's
POF, license surrendered

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
9-1-09			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
SEP - 1 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

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 27th day of July, 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

Tammy Wetzel,

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

Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against Tammy Wetzel 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 chair 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, the West Allis Police Department, and the West Allis City Clerk's office, which records complainant believes to be reliable and accurate.
3. That Tammy Wetzel is the holder of a operator's license, License No.10-00246, to sell/serve alcoholic beverages under Chapter 125, Wis. Stat., issued by the West Allis Common Council for the license period beginning July 1, 2008, and ending June 30, 2010.
4. That according to the records of the West Allis Police Department, on May 3, 2009, at 1:27 a.m., West Allis police officers responded to Wild Bill's Tavern for a complaint of a man, later identified as Miguel Cubero, waving a gun in the air.


5. That Wetzel was working as a bartender at Wild Bill's Tavern at the time of police response.
6. That Officer Nick Stachula spoke to Marc Newman, who was a patron at the bar during the incident. Newman stated he observed Cubero engage in a verbal altercation with an elderly man inside the tavern that ended with Cubero being restrained by other patrons. Newman saw Cubero leave the bar, but return approximately 15 minutes later with a black revolver in his waistband. Cubero then pulled the gun out of his waistband and pointed it at various areas of the bar. Several patrons told Cubero to put the handgun away.
7. That Newman told another patron, Christina Brown, to call the police because he feared that Cubero was going to start shooting. Brown locked herself in the woman's bathroom to call 911. While Brown was on the phone, Newman observed several patrons wrestle the gun away from Cubero and saw the gun drop to the floor.
8. That Newman observed the bartender, Wetzel, throw a bar rag on the handgun and place it behind the bar. Newman, along with several other patrons, escorted Cubero out the tavern door.
9. That officers also spoke to Frank Ovanin, who was a patron at the bar during the incident. Ovanin stated that he observed Wetzel pick up the gun and place it in the trash can behind the bar. Being concerned that the gun was loaded, Ovanin removed the bar from the trash can and carried the gun upstairs into another area.
10. That Officer Zachary Scott spoke to Wetzel at the tavern. Wetzel, who was uncooperative with Officer Scott, stated that she did not see a firearm, did not place a towel over the firearm and place it behind the bar, and that she did not call the police. Wetzel refused to give any additional information to officers.
11. That Cubero was arrested and charged for being a felon in possession of a firearm,

contrary to Wis. Stat. § 941.29(2). The gun was identified as a .44 Magnum, and officers found ammunition in Cubero's pocket.


12. That on May 5, 2009, two days after the incident, Wetzel came to the West Allis Police Department and told Officer McNally, contrary to her initial statement to police, that she had observed the gun and had placed a towel on it.
13. That Wetzel's failure to call the police during the incident, in violation of West Allis Revised Municipal Ordinance 9.02(12)(b), and lying to the police, in violation of Wis. Stat. § 946.41(1) and West Allis Revised Municipal Ordinances 9.02(12)(b) and 12(d), substantially relate to the alcohol beverage licensed activity contrary to Wis. Stat. § 125.04(5)(b) and are grounds for non-renewal, suspension, or revocation of her operator's license.

WHEREFORE, Michael J. Czaplewski, requests that Tammy Wetzel 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 Operator's License, License No. 10-00246, of Tammy Wetzel should be revoked, suspended, or not renewed.

Dated at this 27 day of July, 2009.

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

Subscribed and sworn to before me
this 27th day of July, 2009.


(Kristin D. Palmer)
Notary Public, State of Wisconsin
My Commission expires: 11/2012

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

**In the Matter of the
Complaint Against**

SUMMONS

**Tammy Wetzel,
4451 South Nicholson Avenue,
Saint Francis, Wisconsin 53235**

STATE OF WISCONSIN)
) SS.
COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO TAMMY WETZEL:

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 "I" Operator's License, pursuant to the provisions of sec. 125.12, Wis. Stats.

NOW THEREFORE, you, Tammy Wetzel, 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 September 1, 2009, at 6:30 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 25th day of August, 2009.

WEST ALLIS COMMON COUNCIL

By: Paul M. Ziehler
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
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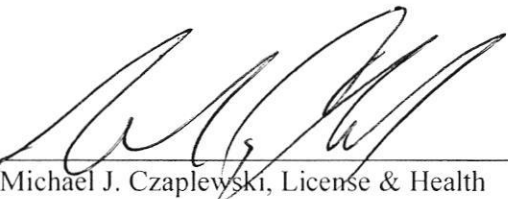
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Dated at this 27 day of July, 2009.

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

Subscribed and sworn to before me
this 27th day of July, 2009.


(Kristin D. Palmer)
Notary Public, State of Wisconsin
My Commission expires: 11/2012



7525 West Greenfield Avenue
West Allis, Wisconsin 53214

City Clerk/Treasurer

License surrendered

Tammy Wetzel

57

2009-0519

60-1-6



City of West Allis

Operator License 10-246

Issued: 8/6/2008

Whereas, The local governing body of the City of West Allis, County of Milwaukee, Wisconsin has upon application duly made, granted and authorized the issuance of an Operator's License to

Tammy M. Wetzel

the sum of \$70.00

AND WHEREAS, the said applicant has paid to the Clerk/Treasurer the sum of \$70.00 AND WHEREAS, the said applicant has complied with all requirements necessary for obtaining a license

As required by local ordinance and has complied with all requirements necessary for obtaining a license

NOW, THEREFORE, An Operator's license pursuant to Sections 12.23(7) and 12.68(2) of the Wisconsin Statutes, and local ordinances, is hereby issued to said applicant for the license year

July 1, 2008 - June 30, 2010

SURRENDERED 9/1/09

AFFIDAVIT OF PERSONAL SERVICE

STATE OF WISCONSIN

Case Number N/A

County Milwaukee

West Allis Common Council

vs

Tammy Wetzel

Petitioner

Respondent

I, Stephen L. Hendren, am an adult resident of the State of Wisconsin and not a party to this action. I hereby certify that on August 26, 2009 at 9:00 am/pm in the City/Town/Village of St. Francis, County of Milwaukee, State of Wisconsin, I duly served:

RECEIVED
AUG 26 2009

WEST ALLIS
CITY ATTORNEY

Tammy Wetzel

- Plaintiff
 - Defendant
 - Petitioner
 - Respondent
 - Witness
 - Other
- | | | |
|-----------|------------|------------|
| Attempts: | Date _____ | Time _____ |
| | Date _____ | Time _____ |
| | Date _____ | Time _____ |
| | Date _____ | Time _____ |

Personally

By leaving a copy with a competent member of the abode at least 14 years of age who was informed of the contents thereof, and that the above-named could not be found by me after diligent search and inquiry.
Name: _____ Relationship: _____

Other/Name: _____ Title: _____
at Home Work Other

Address: 4451 South Nicholson Avenue

Document(s) Served:

Summons and Complaint

Special notes: _____

At the time of service, I did know the person served to be the person named in the document served by:

- That person's own admission to me or
- Upon information and belief.

Service Fee \$ 20.00
 Search Fee \$ -
 Other \$ -
 Total \$ 20.00

SLH SERVICES
 Post Office Box 14054
 West Allis, WI 53214
 (414) 698-6214

Server's Signature [Signature]

Subscribed and sworn to before me this 26 day of August, 2009.

[Signature]
Notary Public, State of Wisconsin
My commission expires 08/24/10



COPY