

**WEST ALLIS COMMON COUNCIL
PUBLIC SAFETY COMMITTEE
CITY OF WEST ALLIS**

**In the Matter of the
Complaint Against**

SUMMONS

**Amy Thompson (Sole Proprietor)
D/B/A Bug N Out**

**Premises Location:
5630 W. Lincoln Avenue
West Allis, WI 53214**

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

THE WEST ALLIS COMMON COUNCIL TO Amy Thompson:

You are hereby notified that a sworn complaint, a copy of which is attached, has been duly made and filed, requesting a hearing on suspension or revocation of the 2022-2023 "Class B" intoxicating liquor license, a Class "B" fermented malt beverage license, and a Public Entertainment License, all issued under license number ALC-22-26, for the premises located at 5630 W. Lincoln Avenue in the City of West Allis, State of Wisconsin, for the license period running July 1, 2022, and expiring on June 30, 2023. This sworn complaint requesting a hearing for suspension or revocation of the above referenced licenses or permits is brought pursuant to the provision of Wis. Stat. § 125.12(2) and West Allis Code §§ 9.51, 9.60(5), and 9.76(5).

NOW THEREFORE, you, Amy Thompson, are hereby summoned to appear at the recess meeting before the Public Safety Committee of the West Allis Common Council on March 7, 2023 at 7:00 p.m., in Room 128 of the West Allis City Hall located

at 7525 W. Greenfield Avenue in the City of West Allis, 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 Public Safety 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 or revoke 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 Public Safety 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 2nd day of March, 2023.

WEST ALLIS COMMON COUNCIL

By: Rebecca N. Grill
Rebecca Grill
City Administrator and City Clerk

**WEST ALLIS COMMON COUNCIL
PUBLIC SAFETY COMMITTEE
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COMPLAINT

**Amy Thompson (Sole Proprietor)
D/B/A Bug N Out**

**Premises Location:
5630 W. Lincoln Avenue
West Allis, WI 53214**

**STATE OF WISCONSIN)
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COUNTY OF MILWAUKEE)**

Officer Joseph Lehman of the West Allis Police Department, being duly sworn on oath, deposes and states as a complaint under Wis. Stat. § 125.12(2)(ag) against Amy Thompson, sole proprietor, doing business as “Bug N Out” as follows:

1. That the complainant is a resident of the City of West Allis.
2. That this complaint is based upon information contained within official records maintained by the City of West Allis and the City of West Allis Police Department that the complainant has used in the past and found to be reliable.
3. That Amy Thompson, acting as a sole proprietor, and doing business as Bug N Out currently holds a “Class B” intoxicating liquor license and a Class “B” fermented malt beverage license (together identified on the license as a “Class B Tavern License”), and a Public Entertainment License, all issued under license number ALC-22-26, for the premises located at 5630 W. Lincoln Avenue in the City of West Allis, State of Wisconsin, for the license period running July 1, 2022 to June 30, 2023.

4. That the licensed premises is described as the “main floor bar, office and men’s and women’s bathroom areas, second floor bar hall men’s and women’s bathrooms, basement area containing a walk-in cooler and liquor closet.” The application for license ALC-22-26 also identifies that Bug N Out will have at least one security personnel on scene to check ID’s and control crowds on weekend nights.
5. That the Bug N Out is located on the corner of South 57th Street and West Lincoln Avenue in West Allis, Wisconsin, which is surrounded by mostly residential properties in all directions.
6. That on Saturday, February 25, 2023, at approximately 9:04 PM, Officers for the City of West Allis Police Department were dispatched to Bug N Out at 5630 W. Lincoln Avenue for a reported shots fired incident. Officers reported that upon arrival, the scene was highly chaotic with approximately 50 juveniles apparently fleeing from Bug N Out. Police determined that there were two shooting incidents that occurred on the property. These shooting incidents resulted in one injured juvenile and one deceased juvenile. The victim who died was a 12-year-old child. Officers gathered the following information:
 - A. Officer Jacob Roth spoke with an adult witness, A.L., who self-identified that she was a host of the birthday party for her daughter who was turning 17 years old. A.L. identified that she and an identified adult man were acting as security for the party. She stated they were charging attendees a fee to enter the party and doing pat downs of attendees before they entered the upstairs party room. Neither A.L. nor the man were employed by the bar. No employees were acting as security personnel for the bar or the event.

- B. Officer Roth further advised that he proceeded to the upstairs party room of Bug N Out where he found that approximately 30 additional juveniles remained along with other evidence of the shooting scene including bullet casings, damaged designer glasses, and at least one firearm.
- C. Officer Lonnie Christiansen reported that she spoke with bartender Joede Polezynski. Polezynski informed Officer Christiansen that the bar owner, Amy Thompson, had notified her of the birthday party in the upper hall the day before on February 24, 2023. Polezynski stated she had worked at the bar for approximately 7 months and was scheduled to work from 7:00 p.m. to close (approximately 1:30 a.m.). She reported that the party was already going when she arrived at work. Polezynski also reported that at one point, juveniles entered the bar. She had them leave the lower level of the bar without incident.
- D. Officer Christiansen also spoke with bar owner, Amy Thompson. Thompson stated she has owned Bug N Out for approximately 6 years. Thompson stated that a father and daughter were planning a party and had paid a flat fee of \$200.00 to have the party in the upper hall/lounge portion of Bug N Out. Thompson stated that she was told there would be about 30 people at the party, however she did not put a cap on the number of people. She reported that the capacity for the upper portion of the bar was set at 89 people. Posted occupancy limit observed by WAPD officers at bar lists capacity at 80. Thompson reported that she was at the bar that evening and made sure the fire escape was locked so nobody could enter via that route.

Despite that information, police believe the shooter may have accessed the party via this fire escape. Amy Thompson did go back up to the party a second time approximately one hour and fifteen minutes prior to the shooting to aid law enforcement clear an unrelated call. See section 6.K. of this complaint for more details on this prior call for service at the bar. Thompson stated she did not hear anyone shooting in the upper level despite being in the lower level of the building during the shooting. Police did not identify any other employees at the establishment beyond the bartender and Amy Thompson.

- E. West Allis Police identified that the party in the upper part of the licensed premises had been advertised on social media with an open invitation. The location for the party was not to be revealed until the day prior to the actual party. The invitation also identified that there would be security checks at the door and a fee to enter the party.
- F. When West Allis Police arrived to investigate the shooting, officers were able to immediately observe the odor of burnt marijuana within the entry way into the bar and upper party room. Officer Adam Stikl reported that he detected the odor of marijuana within the vestibule and upper unit of the bar. He also found cigar packaging that, based on his training and experience, he knows is commonly used to roll and smoke marijuana. Officer Stikl also observed several pint-sized liquor bottles scattered on the floor of the upper hall. Some of those bottles appeared to have been consumed. These observations were

corroborated by Sgt. Adam Niemuth who observed an empty bottle of tequila on the stairs leading to the main entry door of the upper hall. .

- G. Based on video of the premises and statements of children at the party, there appeared to be approximately 100 juveniles in the upper unit of Bug N Out during the party and only 4-6 adults supervising this party. Several of the juveniles were either wearing medical type masks, or ski masks/ balaclavas at the party, obscuring their faces. When the shooting started on the night in question, at least 6 attendees of the party can be seen brandished firearms according to law enforcement review of video.
- H. Officer Christiansen also spoke with several of the patrons at the lower bar in Bug N Out and who were not involved in the upper party. Several of these individuals identified hearing shots fired and hearing people running from the upper level. Several patrons had identified at this point that they looked up at a monitor which depicts the activities of the upper hall to the lower bar through a security camera. Via this security camera, individuals reported that they saw flashes in the upper level which they believed to be flashes from gunshots.
- I. West Allis Police Officer Jacob Roth obtained information of a second shooting that occurred in the exterior of Bug N Out, possibly in response to the first shooting. It is believed that some other participant in the party may have returned fire from the exterior of the building into the upper portion of the building during the incident. Officers located 3 bullet casings on the ground near the area where this second shooting occurred.

- J. West Allis Police Officers spoke with several of the juveniles that attended the party at Bug N Out. A majority of the juveniles did not know the hosts of the party or directly know the person throwing the party but saw the invitation on social media through their friends and decided to attend.
- K. That at 7:50 p.m., approximately one hour and fifteen minutes before the shooting incident occurred, West Allis Police Officer Stikl was dispatched out to Bug N Out to follow up on a potential 911 misdial that had originated at the bar. When Officer Stikl arrived on scene, he was confronted at the stairs leading to the upper level of the bar by the patrons acting as security. Those patrons would not allow officers into the upper level until the bar owner was notified of the officer's presence. Officer Stikl then spoke with bar owner, Amy Thompson, who was consuming a drink in the lower portion of the bar. Amy Thompson was cooperative with officers and led them past the attendees into the upper portion of the bar so that officers could briefly address the 911 misdial concern. At this time, approximately just after 7:50 p.m., Police did not observe an emergency situation that would have caused the 911-hang up and were able to clear the call in a matter of moments. At the time Officer Stikl was at Bug N Out before the shooting, the party did not appear to be over capacity, lights were on, and there were no other identifiable emergency type situations. Before leaving the scene, Amy Thompson stated that police could obtain her contact information within the lower portion of the bar rather than in the vestibule area since "he's going to

be patting little kids down” referring to the patrons in the vestibule acting as “security” for the party.

7. That on September 16, 2022, at approximately 11:15 PM, West Allis Police were dispatched to Bug N Out at 5630 W. Lincoln for a report of an assault. Officer Brockmann had contact with caller, K.S. who stated she went to Bug N Out with her friends where she saw an ex-boyfriend, J.G. tending bar as an employee of Bug N Out. After a short while, employee J.G. became upset with K.S. and physically removed her from the bar by throwing her out of the bar and striking her. She fled to her friend’s vehicle where J.G. continued to try and attack her and pull her out of the car. Eventually J.G. punched the back of the window, breaking the glass of the rear window of the vehicle. This information was corroborated by others at the bar. Police were informed that J.G. was seen driving away from the bar in an identified vehicle. Police found that vehicle a short time later and stopped J.G. who denied a physical confrontation with K.S. but admitted to breaking the back window of the other vehicle in the altercation. Police determined that J.G. was also impaired while he was driving from the bar and his alcohol concentration was a .14 BAC. He was arrested for the battery incident and OWI incident.
8. That the retail alcohol licenses issued to the Bug N Out at 5630 W. Lincoln Avenue are subject to suspension or revocation for any of the following:
 - A. Violating Wis. Stat. § 125.12(2)(ag)1. by knowingly allowing dozens of underage persons to enter the licensed premises in violation of Wis. Stat. § 125.07(3)(a) without any advanced notice as required by West Allis Municipal Code § 9.60(4)(f)(i).

- B. Violating Wis. Stat. § 125.12(2)(ag)2. by keeping or maintaining a disorderly or riotous, indecent or improper house due to the murder of a 12-year-old boy on the property, shooting of another juvenile, shots fired on the premises, number of firearms possessed and displayed by persons under 18 years old, overcrowding of the building, lack of security or oversight over the party, disruption of a neighborhood, smoking of marijuana on the property, employing bartenders that physically assault patrons and/or property, and employing bartenders who consume alcohol on premises and then drive while intoxicated.
9. That pursuant to West Allis Municipal Code §§ 9.51(b) and 9.51(d), the Public Entertainment License is subject to suspension or revocation when the operator has failed to maintain order on the premises and has caused a public nuisance at the property, demonstrated by the bar staff and ownership allowing a substantial number of underage individuals to congregate in the upper unit of the bar with minimal supervision, zero employees, all while using marijuana, having access to alcohol, and possessing firearms resulting in a shots fired event and death of one child by gunshot.

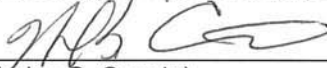
WHEREFORE, Officer Joseph Lehman requests that the licensees named herein, Amy Thompson, be summoned to appear before the Public Safety Committee of the West Allis Common Council to answer this complaint and, if the material allegations of the complaint are denied, that a hearing be held to determine whether the licenses and permits issued to Amy Thompson, should be revoked or suspended.

[Signature page to follow]

Dated this 3rd day of March, 2023.

By: 
Print Name: Joseph Lehman
City of West Allis Police Department

Subscribed and sworn to before me
this 2 day of MARCH, 2023


(Nicholas S. Cerwin)
Notary Public, State of Wisconsin
My Commission expires: Permanent.

