



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Minutes

License & Health Committee

Aldersperson Michael J. Czaplewski, Chair

Aldersperson Daniel J. Roadt, Vice-Chair

Alderspersons: Gary T. Barczak, Kevin Haass, Martin J. Weigel

Thursday, November 19, 2015

5:00 PM

City Hall Room 128

SPECIAL MEETING-HEARING

A. CALL TO ORDER

The meeting was called to order by Chair Czaplewski at 5:00 p.m.

B. ROLL CALL

Present 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Haass, and Ald. Weigel

Others present: Attorney Michael Verrilli, Charline S. Hart, Daniel T. Koralewski, West Allis Health Department, Georgeann King, WI Department of Revenue, Monica Schultz, West Allis City Clerk, Chantell Ritz, Corporal Jeffrey Zientek, West Allis Police Department, Carlos Ortega, Scott Post, City Attorney, Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

C. HEARING

Hearing on the complaint in the matter of Bechers Corner Spot, LLC, Charline S. Hart, Agent, for the premises located at 2079 S. 69 St., d/b/a The Corner Spot, (2015-2016 Class A Beer License no. 2199, Cigarette License no. 2230 and Food-Related Permit/License).

Attorney Verrilli stated he and his client contested the allegations in the complaint in full.

Attorney Verrilli requested that Ald. Barczak be recused from the hearing based on a statement made by Ald. Barczak at the License & Health meeting held on November 17, 2015, which led Attorney Verrilli to believe that Ald. Barczak had a predetermination of his vote before hearing the evidence in this matter.

Ald. Barczak recused himself from the hearing.

Present 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

Excused 1 - Ald. Barczak

The following were sworn in by Chair Czaplewski as they were called upon to testify: Daniel T. Koralewski, West Allis Health Department, Georgeann King, WI Department of Revenue, Monica Schultz, West Allis City Clerk, Chantell Ritz, Corporal Jeffrey Zientek, West Allis Police Department, and Carlos Ortega. They were questioned by Assistant City Attorney Jenna Merten, Attorney Michael Verrilli, License & Health Committee members, and City Attorney Scott Post.

Exhibits 1 through 9 were submitted into evidence by Attorney Merten after being examined by Attorney Verrilli and the License & Health Committee members.

Breaks were taken at 6:38 p.m. and 8:00 p.m.

Closing statements were made by Attorney Merten and Attorney Verrilli.

D. CLOSED SESSION

At 8:54 p.m., Chair Czaplewski stated it was the intention of the Committee to convene in closed session at said time and in Room 113 to deliberate and confer with the City Attorney on the Summons and Complaint regarding Bechers Corner Spot, LLC, Charline S. Hart, Agent, (2015-2016 Class A Beer License no. 2199, Cigarette License no. 2230 and Food-Related Permit/License, d/b/a The Corner Spot for the premises located at 2079 S. 69 St.).

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. Haass to convene in closed session at 8:54 p.m. The motion carried by the following vote:

Aye: 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

No: 0

Others present: City Attorney Scott Post, and Ann Marie Neff.

Upon conclusion of the closed session at 9:18 p.m., the License and Health Committee reconvened in open session at said time in Room 128 to consider its public agenda, including motions to recommend approval or rejection of above-listed deliberations or any of the public agenda items that have not been acted upon.

Present 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

Excused 1 - Ald. Barczak

A motion was made by Ald. Roadt, seconded by Ald. Weigel that:

The Committee finds that all of the material allegations of the complaint have been proven with the exception of the allegations related to the WIC checks and the baby formula.

In addition, the Committee finds that the Licensee failed to properly post licenses on the premises and, when the agent was not present, the premises were operated without a licensed person.

The Committee finds that Bechers Corner Spot, LLC, is a habitual law offender, operates the premises contrary to law, and has violated the ordinances of the City and the laws of the State.

Wherefore, the Committee recommends to the Common Council that the Class A Fermented Malt Beverage License, the Cigarette and Tobacco Product License, and the Food Permit issued to Bechers Corner Spot, LLC, be Revoked.

The Committee also directs the City Attorney to prepare formal Findings and Recommendations.

The motion carried by the following vote:

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

E. NEW AND PREVIOUS MATTERS

1. [2015-0806](#) Communication from Attorney Michael Verrilli regarding Affidavit of Charline Hart in the matter of the Complaint against Bechers Corner Spot, LLC, at 2079 S. 69 St.

Attachments: [Affidavit of Charline Hart](#)

This matter was Held.

2. [2015-0579](#) Summons and Complaint in the matter of the complaint against Bechers Corner Spot, LLC, Charline S. Hart, Agent, for the premises located at 2079 S. 69 St., d/b/a The Corner Spot (2015-2016 Class A Beer License no. 2199, Cigarette License no. 2230 and Food-Related Permits/Licenses).

Attachments: [Summons - The Corner Spot 8-4-15](#)
[Complaint - The Corner Spot 8-4-15](#)

This matter was Held.

- 3. [2015-0530](#) Police Department Report involving The Corner Spot, 2079 S. 69 St., Bechers Corner Spot, LLC, Charline S. Hart, Agent, Incident Date: June 24, 2015.

This matter was Held.

- 4. [2015-0580](#) Department of Revenue Field Report from June 24, 2015 regarding Bechers Corner Spot, LLC, (2014-2015 Class A Beer License no. 2199 and Cigarette no. 2230, Charline S. Hart, Agent, d/b/a The Corner Spot, premises located at 2079 S. 69 St.).

Attachments: [DOR Field Report 6-24-15](#)

This matter was Held.

- 5. [2015-0787](#) 2015-2016 Class A Beer License application no. 2272 of GMAS Property Management LLC, Oyweda R. Watkins, Agent, d/b/a The Corner Spot, 2079 S. 69 St., (new-existing location).

This matter was Held.

F. ADJOURNMENT

A motion was made by Ald. Roadt, seconded by Ald. Weigel, to adjourn at 9:22 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*