

67



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2002-0258 Report In Committee

Police Department Report regarding October 29, 2002 Tavern Compliance Check involving twenty-one (21) West Allis taverns, resulting with nine (9) selling alcohol to an underage person without requesting identification (2002-2003 Class B Tavern License no. 120 and Cigarette License no. 139 of Niehoff Restaurants, Inc., Robert C. Niehoff, Jr., Agent, d/b/a Becher Street Bar & Grill, 7527 W. Becher St.)

Introduced: 11/19/2002

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION *Place on file*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>10-7-03</u>	_____	_____	Barczak	_____	_____	_____	_____
	_____	_____	Czaplewski	_____	_____	_____	_____
	_____	_____	Kopplin	_____	_____	_____	_____
	_____	_____	Lajsic	_____	_____	_____	_____
	_____	_____	Narlock	_____	_____	_____	_____
	_____	_____	Reinke	_____	_____	_____	_____
	_____	✓	Sengstock	_____	_____	_____	_____
	_____	_____	Trudell	_____	_____	_____	_____
	_____	_____	Vitale	_____	_____	_____	_____
_____	_____	Weigel	_____	_____	_____	_____	
			TOTAL	_____	_____	_____	_____

SIGNATURE OF COMMITTEE MEMBER (RECORDER)

Ann K. Baer
Chair

Vice-Chair

Member

COMMON COUNCIL ACTION *Placed on file*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>10-7-03</u>	✓	_____	Barczak	_____	_____	_____	_____
	_____	_____	Czaplewski	_____	_____	_____	_____
	_____	_____	Kopplin	_____	_____	_____	_____
	_____	_____	Lajsic	_____	_____	_____	_____
	_____	✓	Narlock	_____	_____	_____	_____
	_____	_____	Reinke	_____	_____	_____	_____
	_____	_____	Sengstock	_____	_____	_____	_____
	_____	_____	Trudell	_____	_____	_____	_____
	_____	_____	Vitale	_____	_____	_____	_____
_____	_____	Weigel	_____	_____	_____	_____	
			TOTAL	_____	_____	_____	_____

Unanimous

COMMITTEES OF THE WEST ATLIS COMMON COUNCIL

2003

ADMINISTRATION AND FINANCE
Chair: Alderperson Czaplowski
V.C.: Alderperson Kopplin
Alderpersons: Barczak
Lajsic
Reinke

ADVISORY
Chair: Alderperson Reinke
V.C.: Alderperson Vitale
Alderpersons: Kopplin
Lajsic
Narlock

LICENSE AND HEALTH
Chair: Alderperson Barczak
V.C.: Alderperson Sengstock
Alderpersons: Kopplin
Trudell
Vitale

SAFETY AND DEVELOPMENT
Chair: Alderperson Lajsic
V.C.: Alderperson Weigel
Alderpersons: Czaplowski
Narlock
Reinke

PUBLIC WORKS
Chair: Alderperson Narlock
V.C.: Alderperson Trudell
Alderpersons: Sengstock
Weigel
Vitale

referred to the

COMMON COUNCIL

License & Health
Committee

November 19, 2002
Date

To the Honorable, the Common Council:
The Committee on _____ License & Health _____ to whom was on

November 19, 2002, referred the Police Department Report regarding October 29, 2002 Tavern Compliance Check involving twenty-one (21) West Allis taverns, resulting with nine (9) selling alcohol to an underage person without requesting identification (2002-2003 Class B Tavern License no. 120 and Cigarette License no. 139 of Niehoff Restaurants, Inc., Robert C. Niehoff, Jr., agent, d/b/a Becher Street Bar & Grill, 7527 W. Becher St.)
_____ and recommended that the

1. Niehoff could not appear 11-20-02, had funeral for dad. rezak. is in effect. second requested appearance 12-3-02.

2. Hold until new Ord. is in effect.

appearance 12-3-02

Recess 12-3-02

tr. sent 11-21-02.



**City of West Allis
Police Department**

RECEIVED

NOV 12 2002

Inter-Office Report

CITY OF WEST ALLIS
CLERK/TREASURER

2002-2003 Cl B Tavern Lic. # 120

Date: October 29, 2002
To: Chief Dean Puschnig
From: PO Jessica Johnson
Subject: Tavern Compliance Check Results – Report #10210627

Cigarette Lic. # 139
COPIES

Sir,

On 10/29/02, between 1842 and 2145 hrs, I conducted a Tavern Compliance Check with the aide of a 18-year-old West Allis resident, Jon R. Nelson. In this compliance check, Jon entered 21 West Allis taverns and he attempted to purchase a Miller Lite beer without providing identification. Of the 21 taverns entered, the following 9 taverns sold alcohol to Jon without requesting identification:

- | | |
|----------------------------|--------------------------|
| 1. Bennett's | 1416 S. 66 St. |
| 2. Midnight Express | 1902 S. 68 St. |
| 3. Phylo's | 1501 S. 70 St. |
| 4. Lois' Derby | 1430 S. 81 St. |
| 5. Randy's Neighbor's Inn | 6922 W. Becher St. |
| 6. Becher St. Bar & Grill | 7527 W. Becher St. 53219 |
| 7. Greg's Place | 8824 W. Becher St. |
| 8. Tomken's | 8001 W. Greenfield Av |
| 9. O'Connor's Perfect Pint | 8423 W. Greenfield Av |

*Niehoff Restaurants, Inc.
Robert C. Niehoff, Jr.,
Agent*

*Home address:
W190 57899 Overlook Bay Rd.
Muskego 53150 #D*

Employees selling alcohol to Jon were identified by their first name and will be mailed citations, along with the license holders.

The following businesses were entered but requested identification from Jon:

- | | |
|-------------------------|---|
| 1. Dog House | 1641 S. 68 St. |
| 2. Duke's | 1753 S. 68 St. (Jon knew the bartender and we exited the tavern.) |
| 3. Walk-Her-Inn | 900 S. 74 St. |
| 4. The Drum | 1503 S. 81 St. |
| 5. Wild Bill's Saloon | 1454 S. 92 St. |
| 6. Mary's on the Corner | 7033 W. Becher St. |
| 7. Happy Dave's Pub | 7731 W. Becher St. |
| 8. Painted Parrot | 8031 W. Greenfield Av |
| 9. State Fair Inn | 8101 W. Greenfield Av |
| 10. Rider's Inn | 6231 W. Mitchell St |
| 11. Korbely's | 7408 W. Walker St. |
| 12. Deja Vu | 6328 W. Mitchell St |

*Owner: Marjan R. & Jean R. Kmiec
3741 W. National Ave.
Milw. 53215*

Respectfully submitted,

OFFICER JESSICA L. JOHNSON

cc: Deputy Chief Dunbar
Captain Jansen
Lt Morrissey
PO Wink



West Allis Police Department
Incident Report

I0210627

TAVERN COMPLIANCE CHECK

Date: 10/29/02
Time: 1842 hrs.

Location: 11301 W. Lincoln Av., West Allis Police Department, West Allis, WI

Investigating Officer: 210W – PO Johnson
Incident Review: Lt Morrissey
Report Review: Lt Morrissey

Complainant: Officer Jessica L. Johnson, 11301 W. Lincoln Av., West Allis, WI
53227. W 302-8000

Witness: "Jon", an 18-year-old West Allis resident.

Offender/Business: **Becher Street Bar & Grill**, 7527 W. Becher St., West Allis, WI
53214. B 543-4488.

Robert C. Niehoff, M/W, 04/15/56, 5725 N 86 Pl., Milwaukee, WI
53225. C 403-8366. Bartender & License Holder for Becher Street Bar
& Grill. Arrest #M-78673 – 2nd Offense.

Offender/Business: **Bennett's**, 1416 S. 66 St., West Allis, WI 53214. B 607-1113.

Shannon M. Kling, F/W, 10/06/83, 28317 E. Riverbay Dr., Waterford,
WI 53185. H 262-895-7168. Bartender at Bennett's.
Arrest #M-78680.

David M. Bennett, M/W, 07/22/38, 5423 W. National Av., West
Milwaukee, WI 53214. H 672-0972. License Holder at Bennett's.
Arrest #M78661.

Offender/Business: **Derby**, 1430 S. 81 St., West Allis, WI 53214. B 257-9068

Sharon M. Alexander, F/W, 05/02/60, 1409 #4 S. 77 St., West Allis, WI
53214. H 778-0043. Bartender at Derby. Arrest #M-78066.

Lois NMI McHugh, F/W, 09/05/43, 1537 S. 100 St., West Allis, WI
53214. H 778-0043. License Holder at Derby. Arrest #M-78065.

Offender/Business: **Greg's Place**, 8824 W. Becher St., West Allis, WI 53214 B 321-1377.

Judith L. Falesnik, F/W, 08/25/56, 6136 W. Oklahoma Av., Milwaukee,
WI 53219. H 543-7653. Bartender at Greg's Place. Arrest #M-78672.



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Gregory G. Strong, M/W, 12/24/40, 8824 W. Becher St., West Allis, WI 53214. H 321-6451. License Holder at Greg's Place. Arrest #M-78671.

Offender/Business: **Midnight Express**, 1902 S. 68 St., West Allis, WI 53214. B 545-7890.

Carol L. Torres, F/W, 11/16/46, 524 S. 76 St., Milwaukee, WI 53214. H 302-9855. Bartender at Midnight Express. Arrest #<-78677.

Dale J. Zbieranek, M/W, 06/21/48, 7921 #305 S. 68 St., Franklin, WI 53132. License Holder at Midnight Express. Arrest #M-78676.

Offender/Business: **O'Connor's Perfect Pint**, 8423 W. Greenfield Av., 53214. B 257-1898

Paul F. McAuley, M/W, 03/22/80, 7022 W. National Av., West Allis, WI 53214. C 915-5639. Bartender at O'Connor's Perfect Pint. Arrest #M-78070.

Michael C. O'Connor, M/W, 10/03/70, 910 S. 77 St., West Allis, WI 53214. H 476-4416. License Holder for O'Connor's Perfect Pint. Arrest #M78069 - 2nd Offense.

Offender/Business: **Phylo's**, 1501 S. 70 St., West Allis, WI 53214. B 453-3383.

Lois H. Lehmann, F/W, 03/05/43, 1501 S. 70 St., West Allis, WI 53214. H 258-7279. Bartender at Phylo's. Arrest #M-78679.

Philip J. Lehmann, M/W, 08/06/42, 1501 S. 70 St., West Allis, WI 53214. H 258-7279. License Holder at Phylo's. Arrest #M-78678.

Offender/Business: **Randy's Neighbor's Inn**, 6922 W. Becher St., West Allis, WI 53214. B 545-8738.

Suzanne M. Katzuba, F/W, 04/03/59, 4612 S. 113 St., Greenfield, WI 53228. H 425-0894. Bartender at Randy's Neighbor's Inn. Arrest #M-78674.

Randal W. Katzuba, M/W, 05/19/59, 4612 S. 113 St., Greenfield, WI 53228. H 425-0894. License Holder at Randy's Neighbor's Inn. Arrest #M-78675.

Offender/Business: **Tomken's**, 8001 W. Greenfield Av, West Allis, WI 53214. B 258-9110.

Brandi M. Nehmer, F/W, 03/16/78, 2169 S. 91 St., West Allis, WI 53214. H 329-8045. Bartender at Tomken's. Arrest #M-78067.



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Kenneth W. Felton, M/W, 10/01/46, 705 S. 84 St., West Allis, WI 53214. H 258-4312. License Holder at Tomken's. Arrest #M-78068.

Contact Business:

Déjà vu, 6328 W. Mitchell St., West Allis, WI 53214

Dog House, 1641 S. 68 St., West Allis, WI 53214

Duke's, 1753 S. 68 St., West Allis, WI 53214

Happy Dav'z Pub, 7731 W. Becher St., West Allis, WI 53214

Korbelly's, 7408 W. Walker St., West Allis, WI 53214

Mary's on the Corner, 7033 W. Becher St., West Allis, WI 53214

Painted Parrot, 8031 W. Greenfield Av., West Allis, WI 53214

Rider's Inn, 6231 W. Mitchell St., West Allis, WI 53214.

State Fair Inn, 8101 W. Greenfield Av., West Allis, WI 53214

The Drum, 1503 S. 81 St., West Allis, WI 53214

Walk Her Inn, 900 S. 74 St., West Allis, WI 53214

Wild Bill's Saloon, 1454 S. 92 St., West Allis, WI 53214

CASE SYNOPSIS

PO Johnson reports...

On 10/29/02, between 1842 and 2145 hrs., "Jon", an 18-year-old West Allis resident, assisted me in a Tavern Compliance Check. Jon entered and attempted to purchase alcohol at 21 West Allis taverns. He attempted to purchase a Miller Lite beer without identification. Of the 21 taverns entered, Jon was able to purchase alcohol at 9 of the taverns without being asked for identification. At each of the 9 offending taverns, the bartender that sold the alcohol to Jon was cited, along with the tavern's license holder. In cases where the bartender was also the license holder, only 1 citation was issued. All citations were mailed on 11/01/02.

COMPLIANCE CHECK PROCEDURE

Before beginning the compliance check, Jon was photographed, asked to empty his pockets (excluding money needed), and given a detailed and complete set of instructions. Jon was given money provided by the department and was advised to enter each tavern and attempt to purchase a Miller Lite beer. Jon was advised that if the bartender requested identification, he was to immediately exit the tavern.



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I was in plain clothes and entered each tavern with Jon. I viewed each transaction as it was conducted. Jon remained in my view at all times, with each transaction being entirely witnessed by me. Upon receiving the alcohol, Jon paid for it immediately. He was then advised to enter the men's bathroom area and dispose of some of the beer before exiting the bathroom. While Jon was in the bathroom, I asked the bartender his/her first name. Jon would come back to the bar, set his beer on it and we would exit the tavern. At all the taverns, we walked in together and sat next to each other. I did not order anything to drink.

INCIDENT

At approx. 1915 hrs., we entered **O'Connor's Perfect Pint** tavern. A male bartender, identified as "Paul", sold Jon a glass of Miller Lite beer without requesting ID. After receiving the beer, Jon walked into the bathroom and poured some of the beer out. He placed the half empty glass of beer on the bar before leaving the tavern with me.

At approx. 1920 hrs., we entered **State Fair Inn** tavern. A male bartender requested identification from us. We told him we did not have any and immediately exited the tavern.

At approx. 1922 hrs., we entered **Painted Parrot** tavern. A female bartender requested identification from us. We told her we did not have any and immediately exited the tavern.

At approx. 1930 hrs., we entered **Tomken's** tavern. A female bartender, identified as "Brandi", sold Jon a glass of Miller Lite beer without requesting ID. After receiving the beer, Jon walked into the bathroom and poured some of the beer out. He placed the half empty glass of beer on the bar before leaving the tavern with me.

At approx. 1934 hrs., we entered **The Drum** tavern. A female bartender requested identification from us. We told her we did not have any and immediately exited the tavern.

At approx. 1942 hrs., we entered **The Derby** tavern. A female bartender, identified as "Sharon", sold Jon a glass of Miller Lite beer without requesting ID. After receiving the beer, Jon walked into the bathroom and poured some of the beer out. He placed the half empty glass of beer on the bar before leaving the tavern with me.

At approx. 1945 hrs., we entered **Walk Her Inn** tavern. A male bartender requested identification from us. We told him we did not have any and immediately exited the tavern.

At approx. 1947 hrs., we entered **Korbely's** tavern. A male bartender requested identification from us. We told him we did not have any and immediately exited the tavern.

At approx. 2000 hrs., we entered **Phylo's** tavern. A female bartender, identified as "Lou", sold Jon a glass of Miller Lite beer without requesting ID. After receiving the beer, Jon walked into the bathroom and poured some of the beer out. He placed the half empty glass of beer on the bar before leaving the tavern with me.

At approx. 2010 hrs., we entered **The Dog House** tavern. A male bartender requested identification from us. We told him we did not have any and immediately exited the tavern.



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At approx. 2012 hrs., we entered **Duke's** tavern. Jon recognized and personally knew the female bartender. Jon did not attempt to purchase alcohol and we exited the tavern.

At approx. 2018 hrs., we entered **Midnight Express** tavern. A female bartender, identified as "C - C", sold Jon a bottle of Miller Lite beer without requesting ID. After receiving the beer, Jon walked into the bathroom and poured some of the beer out. He placed the half empty bottle of beer on the bar before leaving the tavern with me.

At approx. 2024 hrs., we entered **Deja Vu** tavern. A male bartender requested identification from us. We told him we did not have any and immediately exited the tavern.

At approx. 2027 hrs., we entered **Rider's Inn** tavern. A bartender requested identification from us. We told him/her we did not have any and immediately exited the tavern.

At approx. 2030 hrs., we entered **Bennett's** tavern. A female bartender, identified as "Shannon", sold Jon a can of Miller Lite beer without requesting ID. After receiving the beer, Jon walked into the bathroom and poured some of the beer out. He placed the half empty can of beer on the bar before leaving the tavern with me.

At approx. 2055 hrs., we entered **Randy's Neighbor's Inn** tavern. A female bartender, identified as "Suzy", sold Jon a mug of Miller Lite beer without requesting ID. After receiving the beer, Jon walked into the bathroom and poured some of the beer out. He placed the half empty mug of beer on the bar before leaving the tavern with me.

At approx. 2100 hrs., we entered **Mary's on the Corner** tavern. A female bartender requested identification from us. We told her we did not have any and immediately exited the tavern.

At approx. 2107 hrs., we entered **Becher Street Bar & Grill** tavern. A male bartender, identified as "Bob", sold Jon a glass of Miller Lite beer without requesting ID. After receiving the beer, Jon walked into the bathroom and poured some of the beer out. He placed the half empty glass of beer on the bar before leaving the tavern with me.

At approx. 2110 hrs., we entered **Happy Dav'z Pub** tavern. A male bartender requested identification from us. We told him we did not have any and immediately exited the tavern.

At approx. 2119 hrs., we entered **Greg's Place** tavern. A female bartender, identified as "Judy", sold Jon a glass of Miller Lite beer without requesting ID. After receiving the beer, Jon walked into the bathroom and poured some of the beer out. He placed the half empty glass of beer on the bar before leaving the tavern with me.

At approx. 2124 hrs., we entered **Wild Bill's Saloon** tavern. A female bartender requested identification from us. We told her we did not have any and immediately exited the tavern.



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FOLLOW - UP

On 10/30/02, follow up was attempted at the 9 offending taverns.

Contact was made at Becher Street Bar & Grill. The bartender, Robert C. Niehoff, informed me that he was not only the bartender, but also the license holder. Robert stated he remembered me and recognized the male in the Polaroid. Robert stated that he was thinking to himself about four times that night that he should ask for our ID's. Robert was cooperative and stated, "Thanks for keeping us honest." I advised Robert that he would receive a citation in the mail for Selling Alcohol to an Underage Person.

Contact was made at Bennett's. The License Holder was on scene and identified himself as David M. Bennett. David stated the bartender was Shannon M. Kling. I telephoned Shannon and advised her of the incident. She stated she remembered me coming in, along with the male party. They were both cooperative. I advised David and Shannon that they would each receive a citation in the mail for Selling Alcohol to an Underage Person.

Contact was made at The Derby. The bartender, Sharon M. Alexander, stated she remembered me and recognized the male in the Polaroid. She informed me that the license holder is Lois NMI McHugh. I contacted Lois and advised her of the incident. They were both cooperative. I advised Sharon and Lois that they would each receive a citation in the mail for Selling Alcohol to an Underage Person.

Contact was made at Greg's Place. The bartender, Judith L. Falesnik, stated she remembered me and recognized the male in the Polaroid as the one she served a beer to. She informed me that the license holder is Gregory G. Strong. I advised Gregory of the incident, who was also at the tavern. I advised Greg and Judith that they would each receive a citation in the mail for Selling Alcohol to an Underage Person.

Contact was made at Midnight Express. The bartender identified the license holder as Dale J. Zbieranek. I called Dale and advised him of the incident. He identified C-C as Carol L. Torres. I called Carol and advised her of the incident. Carol stated she remembered us and serving the male a beer. She stated she was sorry. They were both cooperative. I advised Dale and Carol that they would each receive a citation in the mail for Selling Alcohol to an Underage Person.

Contact was made at Phylo's. The same bartender was working, Lois H. Lehmann. Lois stated she remembered me and remembered serving the person in the Polaroid. Lois said she was the license holder, however, in checking our contacts, the license holder is Philip J. Lehmann. I called Philip and advised him of the incident. I advised Lois and Philip that they would each receive a citation in the mail for Selling Alcohol to an Underage Person.

Contact was made at Randy's Neighbor's Inn. The bartender identified Suzy as Suzanne M. Katzuba. I called Suzanne and advised her of the incident. She stated she remembered me coming in with the male in the Polaroid and serving him a beer. Suzanne stated she is part owner of the bar, but her husband, Randal W. Katzuba is the license holder. I advised her that she and Randal would each receive a citation in the mail for Selling Alcohol to an Underage Person.

Contact was made at Tomken's. The license holder, Kenneth W. Felton, was on scene. I advised him of the incident. He identified Brandi as Brandi M. Nehmer. Kenneth was very uncooperative, stating this was



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entrapment and bullshit. I called Brandi and she stated she remembered us coming in and serving the male a beer. Brandi stated, "I knew I should have carded him." Brandi was cooperative. I advised Kenneth and Brandi that they would each receive a citation in the mail for Selling Alcohol to an Underage Person.

CASE DISPOSITION

Incident reviewed with Lt Morrissey.

After all follow-up was completed, each offender was mailed a citation for Selling an Alcoholic Beverage to an Underage Person via US Mail and given a local court date of 12/02/02 at 0830 hrs.

