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

In	the	Mat	ter	of	the
Co	mp	laint	Ag	ai	nst

COMPLAINT

3M Management, LLC, d/b/a M&M's Sportsbar, Melissa Marie Martin, agent.

STATE OF WISCONSIN)	
)	SS.
COUNTY OF MILWAUKEE)	

Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against 3M Management, LLC 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

 Chairman 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 and the Wisconsin Department of Revenue, which records complainant believes to be reliable and accurate.
- 3. That 3M Management, LLC is the holder of "Class B" Intoxicating Liquor & Class "B" Fermented Malt Beverage License Number 14-1931, Instrumental Music License Number 14-2064, and Dance Hall License Number 14-2063, issued by the West Allis Common Council for the license period beginning July 1, 2014, and ending June 30, 2015, for the premises located at 1900 South 60th Street, West Allis, Wisconsin and does business under the trade name "M&M's Sportsbar."

- 4. That 3M Management, LLC is the holder of a Local Food Permit, issued by the West Allis Health Department for the permit period beginning July 1, 2014, and ending June 30, 2015, for the premises located at 1900 South 60th Street, West Allis, Wisconsin and does business under the trade name "M&M's Sportsbar."
- 5. That Melissa Marie Martin is the agent of 3M Management, LLC's above-referenced licenses and permits.
- 6. That on June 3, 2014, Martin signed an operation plan for M&M's Sportsbar and agreed, among other things, to comply with Chapter 125 of the Wisconsin Statutes and all ordinances of the West Allis Revised Municipal Code. See attached Exhibit 1.
- 7. That on January 21, 2013, West Allis Health Department Environmentalist Laura

 Temke inspected the premises and completed a pre-inspection report for M&M's

 Sportsbar. Temke wrote in the comments section of the report that the bar could not supply food to the public at any time, except for candy, chips, popcorn, and wrapped beef jerky. A copy of the report was provided to 3M Management, LLC. See attached Exhibit 2.
- 8. That a review of M&M's Sportsbar's Facebook page indicated that the bar hosted a pig roast on October 20, 2013; hosted its 2nd annual chili cook off on March 9, 2014; advertised Bari's pizza on September 4, 2014; advertised free food during the Packers game on December 8, 2014; and advertised free food on New Year's Eve 2014. See attached Exhibit 3.
- 9. That on January 15, 2015, Temke performed a food inspection at M&M's Sportsbar and noted crock pots in the back room, along with party trays. Temke also noted signs for Bari's Pizza a pizza business that is next door to the bar, but is not a licensed wholesaler that indicated M&M's Sportsbar was serving Bari's Pizza.

- Temke took photos of the sign and crock pots. Due to the violations, Temke issued a cease and desist order to M&M's Sportsbar.
- 10. That on January 23, 2015, Agent Georgeann King from the Wisconsin Department of Revenue, along with West Allis police officers, investigated a complaint of M&M's Sportsbar refilling liquor bottles.
- 11. That Agent King's investigation revealed that she found 106 bottles of liquor inside the bar, but Martin could not produce any receipts from licensed wholesalers for the liquor.
- 12. That Agent King recovered three receipts from Discount Liquor, a business that is not a licensed wholesaler, that indicated purchases of several bottles of liquor. The receipts were located on the licensed premises, and Martin admitted that she had purchased the liquor from Discount Liquor. See attached Exhibit 4.
- 13. That Agent King also recovered the following beer receipts: a receipt from Discount Liquor for a barrel of Coors Light and Miller Lite and receipts from Beer Capitol and Beechwood from July and August 2014. Martin could not produce any additional beer receipts.
- 14. That Agent King discovered two contaminated liquor bottles that contained bugs and noticed several full bottles of liquors had a worn out label. Based on her training and experience, King knows that full bottles with worn out labels are indicators of refilling.
- 15. That upon confronting her with the information about the refilling of bottles in the back office, Martin initially denied that she had refilled liquor bottles. However, eventually, Martin admitted to West Allis Police Officer Jason Komorowski that she had refilled some of the liquor bottles.
- 16. That during her contact with Martin, Agent King noted that Martin was untruthful

with her on several occasions; Martin initially told King that she had purchased the liquor from Ratas Wholesale, but later admitted to purchasing liquor from Discount Liquor; Martin initially told King that her alcohol receipts were behind the bar, but none were located there; that Martin initially denied refilling liquor bottles, but later admitted that she had refilled liquor bottles.

17. That 3M Management, LLC has violated the provisions of Chapter 125, Wis. Stats., including Wis. Stat. §§ 125.51(3)(b); 125.68(8)(a)2-3; and 125.69(6)(a); and Wisconsin Stat. § 946.41(1); the Wisconsin Administrative Code, Department of Revenue, Tax § 7.01(4); and sections 7.04(11), 7.04(14)(d), 9.02(12)(b) and 9.02(12)(d) of the West Allis Revised Municipal Code; that the conduct substantially relates to the licensed/permitted activity; and the conduct is grounds for non-renewal, suspension, or revocation of its Class B" Intoxicating Liquor License, Class "B" Fermented Malt Beverage License, Instrumental Music License, Dance Hall License, and Local Food Permit.

WHEREFORE, Michael J. Czaplewski requests that 3M Management, LLC 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 "Class B" Intoxicating Liquor License, Class "B" Fermented Malt Beverage License, Instrumental Music License, Dance Hall License, and Local Food Permit should be revoked, suspended, or not renewed.

Dated this	23	day of	FUB	, 2015.

Michael J. Czaplewski, License & Health

Committee

West Allis Common Council

Subscribed and sworn to before me

this 23rday of February, 2015.

Notary Public, State of Wisconsin

My Commission expires: is permanent

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

In the Matter of the License Application of 3M Management, LLC D/b/a M&M's Sports Bar Melissa Marie Martin, registered agent

OPERATION PLAN

WHEREAS, on September 18, 2012, a summons and complaint alleging violations of Wisconsin Statute Chapter 125 and West Allis Revised Municipal Ordinance 9.02(12) was filed with the West Allis Common Council's License and Health Committee in regard to Danny's Lounge, located at 1900 South 60th Street, West Allis, Wisconsin; and

WHEREAS, on November 20, 2012, the West Allis Common Council approved a stipulation that prohibited Danny's Lounge from operating under its tavern licenses until a new occupant applied for a tavern license; and

WHEREAS, Melissa Marie Martin who is the registered agent of 3M Management, LLC (hereinafter "Martin"), seeks to obtain a tavern license for the premises at 1900 South 60th Street under the name of 3M Management, LLC; "Martin", when used herein, shall mean Melissa Marie Martin, in her individual capacity, as well as 3M Management, LLC; and

WHEREAS, on prior occasions, complaints were filed with the West Allis Common Council's License and Health Committee regarding taverns located at 1900 South 60th Street, West Allis, Wisconsin, including "Mario's" and "Kicks"; and

WHEREAS, due to the prior incidents at the location, the City wishes to protect the health, safety, and welfare of its citizens and employees before agreeing to license a tavern at that location; and

WHEREAS, to achieve those objectives, the Common Council is requesting a suitable operation plan from Martin, as a condition of granting her a tavern license application; and

WHEREAS, on December 18, 2012, Martin agreed to and signed an operation plan which restricted her from obtaining a Dance Hall license, Tavern Entertainment license and Instrumental Music license at the premises; and

WHEREAS, at this time, Martin is requesting permission from the License and Health Committee and Common Council to be granted a Dance Hall license and Instrumental Music license with the renewal of her Class B Tavern application for the 2014-2015 license year; and

Exhibit 1 P. 1 of 3 WHEREAS, since the signing of the Operation Plan by Martin on December 18, 2012, there have been no incidents of a negative effect at or on the premises.

WHEREFORE: Melissa Marie Martin, and 3M Management, LLC, doing business as M&M's Sports Bar, hereby agrees to the following revised operation plan for the licensed premises at 1900 South 60th Street:

- That Martin shall be eligible for a dance hall license, pursuant to West Allis Revised Municipal Ordinance 9.05, with the renewal of her Class B Tavern license for dancing only to occur on Wednesdays, Fridays and Saturdays on any given week.
- That Martin shall not be eligible for a tavern entertainment license, pursuant to West Allis Revised Municipal Ordinance 9.034;
- 3. That Martin shall be eligible for an instrumental music license, pursuant to West Allis Revised Municipal Ordinance 9.032, for music to only occur on Wednesdays, Fridays and Saturdays of any given week, but Martin shall not permit any DJs, or other similar entertainment, including but not limited to, Karaoke to perform at the premises. "DJ," as used herein, shall mean a person who plays, presents, or mixes recorded music typically for dancing or a party, but shall not include a person selecting recorded music from a jukebox, iPod, computer, or similar device; "Karaoke", as used herein, shall mean a form of interactive entertainment or video game, in which amateur singers sing along with recorded music using a microphone and public address system, whereby the lyrics are displayed on video screen to guide the singer.
- 4. That Martin shall not employ or partner with Mario Morgese, Daniel Seiy, or any former licensee of 1900 South 60th Street to operate or assist in operating the premises;
- 5. That Martin shall maintain a theme of a "sports bar" at the premises;

Exhibit 7 P. 2 of 3

- 6. That Martin, the employees of 3M Management, LLC, and the employees of M&M's Sports Bar shall comply with all other state statutes, including but not limited to Wis. Stat. Chapter 125, and all ordinances in the West Allis Revised Municipal Code.
- 7. That these restrictions may not be altered without the consent of the License and Health Committee of the West Allis Common Council.

3M Management, LLC

Melissa Marie Martin, registered agent

d/b/a M&M Sports Bar

Molingo Mario Martin

Date

US Date



Foodservice Establishment Inspection Report

Establishment Information			
Facility Name M & M'S SPORTSBAR	Facility Type Local Food Permit		
Facility ID #	Facility Telephone #		
GSAC-92YSLU	414 727-5052		
Facility Address 1900 S 60TH ST			
WEST ALLIS, WI 53219	Lisanas Addusa		
Licensee Name 3M MANAGEMENT LLC	Licensee Address 1900 S 60TH ST		
	WEST ALLIS, WI 53219		

Inspection Information				
Inspection Type	Inspection Date	Total Time Spent		
Pre-inspection	January 21, 2013			

Equipment Temperatures	
Description	Temperature (Fahrenheit)
Beer coolers	41F, 40F
Walk-in cooler (beer only, no PHF)	45F

Warewashing Info					
Machine Name	Sanitization Method	Thermo Label	PPM	Sanitizer Name	Sanitizer Type
2-4 compartment sinks	manual		NSU	Richco Bock Sanitizing Rinse	lodine

OPERATOR - The violations in operating procedure or physical arrangement indicated below must be corrected by the next routine inspection or by a date specified in this report.

Observed Violations

Comments

- * Food permit: Can sell/serve candy, chips, popcorn, beef jerky (wrapped), etc. Can not serve/sell anything that needs to be refrigerated or frozen such as frozen pizzas, sandwiches, garlic bread, etc.
- * No 'Packer type" parties. Bar can not supply food to the public at any time (whether free or not). Serving food beyond license will result in revocation of permit.
- * Exterm is pest control company. Must have pest control company at all times-known exterior rat issues.
- * Hot/cold water available.
- * ok to open to the public if all final approvals are given.

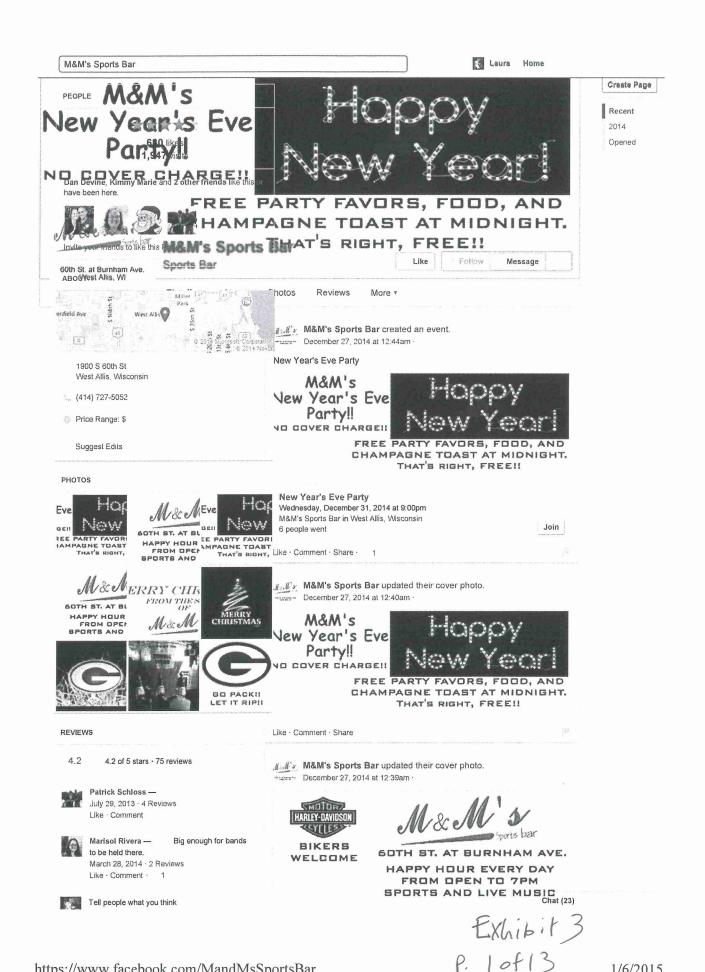
Any operator aggrieved by an order of this department under this chapter may request a hearing as provided in ch.227 statute, if state licensed, or a local ordinance if licensed by an agent health department.

Exhibita P. 10F0

Sanitarian

Laura Temke (414) 302-8654

> Exhibit 2 p. 2 of 2



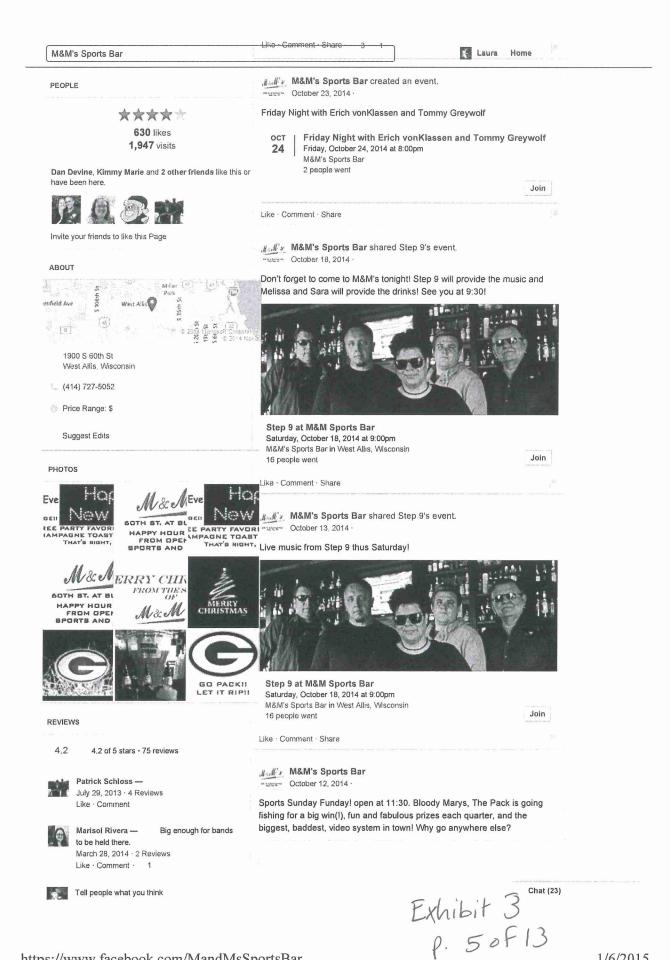
M&M's Sports Bar Laura Home M&M's Sports Bar updated their cover photo. PEOPLE December 27, 2014 at 12:39am *** M&M's New Year's Eve 630 likes 1,947 visits Party!! NO COVER CHARGE!! Dan Devine, Kimmy Marie and 2 other friends like this or FREE PARTY FAVORS. CHAMPAGNE TOAST AT MIDNIGHT. THAT'S RIGHT, FREE!! Like · Comment · Share Invite your friends to like this Page #.#'y M&M's Sports Bar updated their cover photo. ABOUT December 26, 2014 at 10:26am enfield Ave BIKERS **60TH ST. AT BURNHAM AVE.** 1900 S 60th St West Allis, Wisconsin HAPPY HOUR EVERY DAY FROM OPEN TO 7PM (414) 727-5052 SPORTS AND LIVE MUSIC Price Range: \$ Like · Comment · Share · Suggest Edits # M&M's Sports Bar updated their cover photo. December 25, 2014 at 7:15am PHOTOS Eve GEH HAPPY HOUR EE PARTY FAVORI FROM OPEN AMPAGNE TOAST SPORTS AND THAT'S RIGHT, REE PARTY FAVOR IAMPAGNE TOAST THAY'S RIGHT, M&M's N&N ERRY CHE FROM THE S Like · Comment · Share SOTH ST. AT BI FROM OPER BPORTS AND MaM M&M's Sports Bar December 24, 2014 at 8:47am -We will be open today at noon and closed tomorrow. GO PACKII REVIEWS 42 4.2 of 5 stars · 75 reviews Patrick Schloss -July 29, 2013 · 4 Reviews Like · Comment Marisol Rivera -Big enough for bands to be held there. Like · Comment · Share · March 28, 2014 · 2 Reviews Like · Comment · 1 M&M's Sports Bar created an event. Chat (23) Tell people what you think December 18, 2014 at 6:59pm



PRESENTS: M&M's Sports Bar ERICH VONKLASSEN FRIDAY, NOV. 21ST 8PM-11PM PEOPLE Finday night with Erich von Classen and Tommy Glovwoil *** Friday, November 21, 2014 at 8:00pm M&M's Sports Bar 630 likes Join 4 people went 1,947 visits Like · Comment · Share Dan Devine, Kimmy Marie and 2 other friends like this or M&M's Sports Bar November 7, 2014 Stop in tonight and check out the Plenty of Fish singles party! \$5 double Invite your friends to like this Page Bacardi drinks (all Flavors) all night! Like · Comment · Share · 1 ABOUT M&M's Sports Bar created an event. October 28, 2014 M&M's Halloween Party the Sequel M&M's Halloween Party the Sequel 31 Friday, October 31, 2014 at 8:00pm 1900 S 60th St West Allis Wisconsin 8 people went Join (414) 727-5052 Price Range: \$ Like · Comment · Share · Suggest Edits M.M's Sports Bar October 25, 2014 PHOTOS Tonight's drink specials...Zombie juice, Bat's Brew, Vampire Blood and Eve GEII REE PARTY FAVOR TAMPAGNE TOAST THAT'S RIGHT, TE PARTY FAVOR HAPPY HOUR AMPAGNE TOAST M& MERRY CHE FROM THE S SOTH ST. AT BL FROM OPER \mathcal{M} & \mathcal{M} GO PACKII LET IT RIPII REVIEWS 42 4.2 of 5 stars • 75 reviews Like · Comment · Share · Patrick Schloss -July 29, 2013 · 4 Reviews # M&M's Sports Bar Like · Comment -Laure October 25, 2014 Don't forget about our Halloween Party tonight with live music by The Now! Marisol Rivera -Big enough for bands We have \$6 Zombie Juice, prizes for 1st, 2nd, and 3rd best costumes, to be held there. Melissa and Jodie behind the bar and Kaitlyn and Chayna selling shots. March 28, 2014 · 2 Reviews Like · Comment · 1 Plus we're giving away a 1/4 barrel party to one lucky customer just for showing up! Party starts at 9:00, hope to see everyone there!!! Tell people what you think

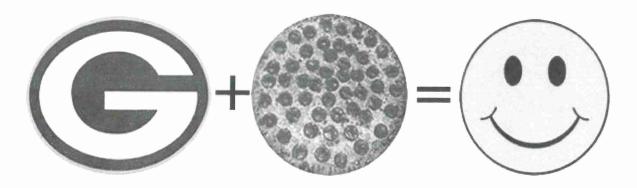
Exhibit 3

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GAME ON!!



PACKERS-SEAHAWKS THURSDAY AT 7:30PM PRIZE GIVEAWAYS EACH QUARTER, AND PIZZA FROM

Exhibit 3 P. 7 of 13

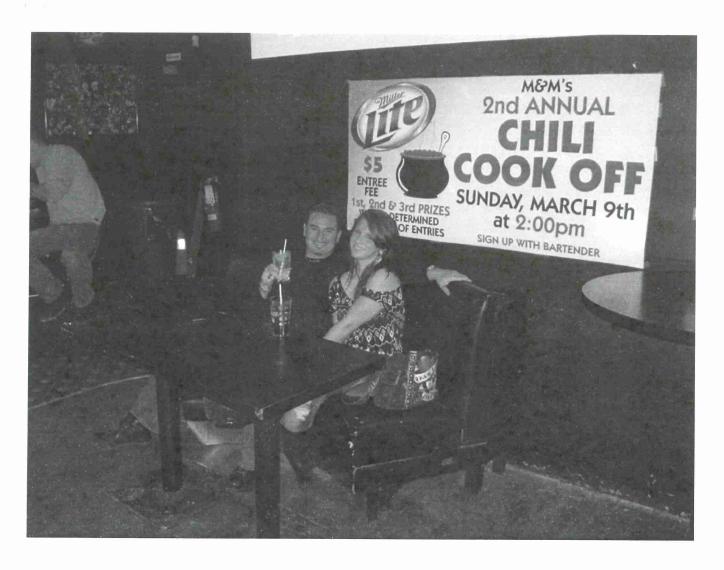


Exhibit3 p. 8 of 13



Exhibit 3 p. 9 of 13



Exhibit 3 P. 10 of 13

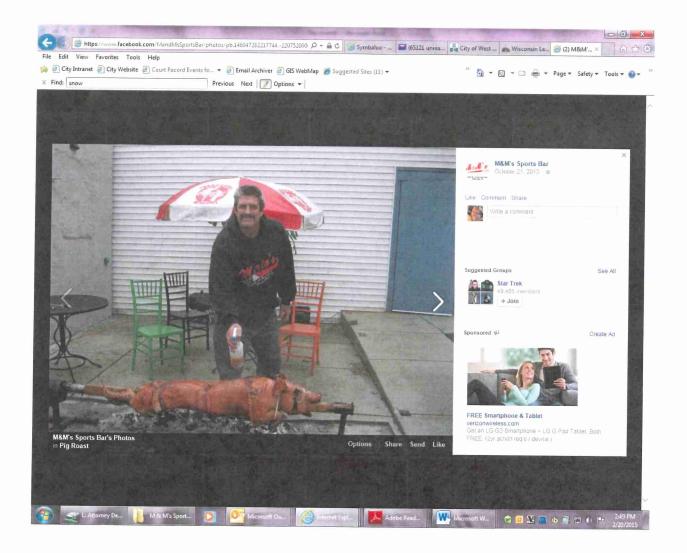


Exhibit3 P. 11 of 13

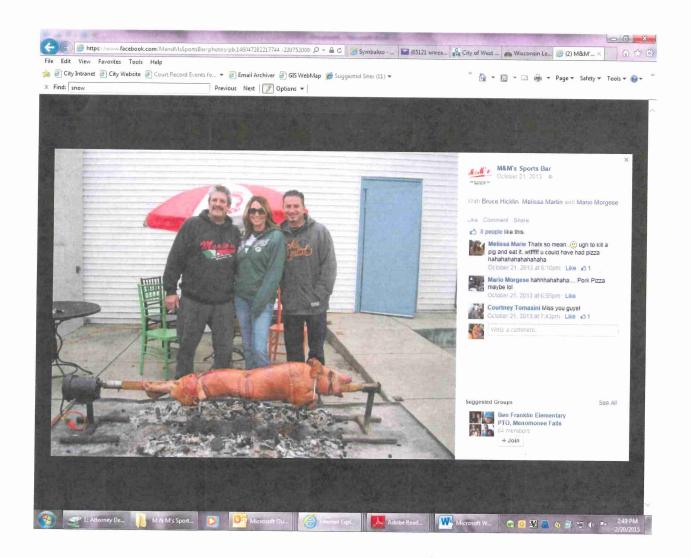


Exhibit 3 p. 12 of 13

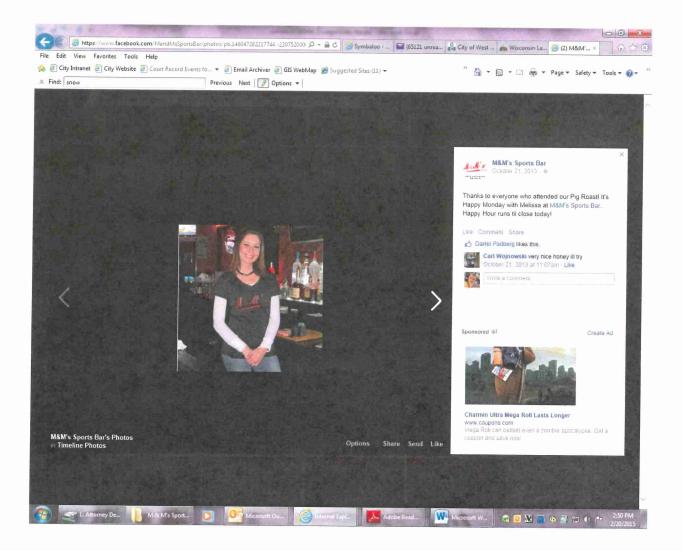


Exhibit 3 P. 13 of 13

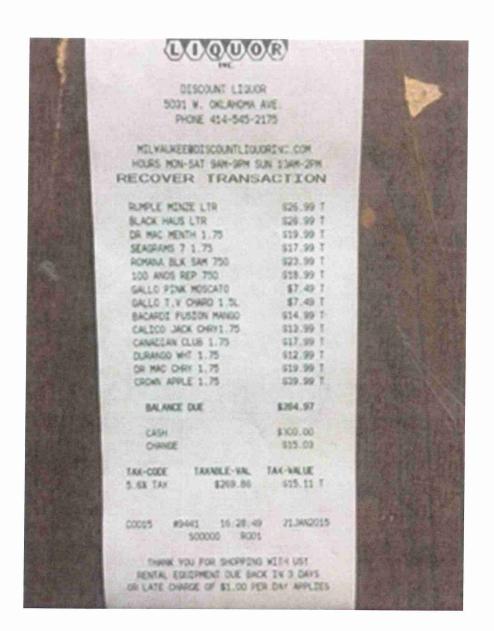


Exhibit 4 P. 10F3

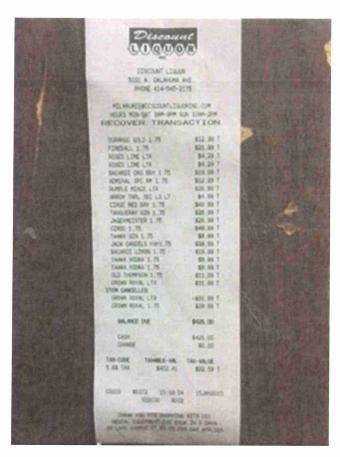




Exhibit 4 P. 2 of 3





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