

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

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**In the Matter of the  
Complaint Against**

**SUMMONS**

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

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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 25<sup>th</sup> 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  
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**COMPLAINT**

**Tammy Wetzel,**

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**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.

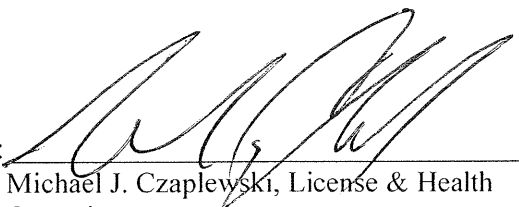
5. That Wetzel was working as a bartender at Wild Bill's Tavern at the time of police response.
6. That Officer Nick Stachula spoke to Marc Newman, who was a patron at the bar during the incident. Newman stated he observed Cubero engage in a verbal altercation with an elderly man inside the tavern that 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.

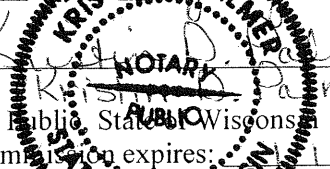
12. That on May 5, 2009, two days after the incident, Wetzel came to the West Allis Police Department and told Officer McNally, contrary to her initial statement to police, that she had observed the gun and had placed a towel on it.
13. That Wetzel's failure to call the police during the incident, in 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 27 day of July, 2009.

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