

08/06/2019 9:15

** For official use only **

WEST ALLIS POLICE DEPARTMENT

11301 W LINCOLN AVE | WEST ALLIS, WI 53227 | (414) 302-8000

Liquor Establishment Violation



Date: 8/3/19

To: Sargeant James Cato

From: Mussatti, Kevyn

Caller/Complainant: N/A

Violation Type

- Tavern Violation Bartender Violation Restaurant Violation Liquor Store
- No Violation but the Incident is Liquor License Related

Case #: 2019027924
 Location: 1309 S 60 St
 Establishment Name: Remedy
 Establishment License #: 1733
 Establishment Owner: Erwin C. Magritz
 Owner Address: 407 Island View Ct, Dousman, W

Violation(s):

Refilling Original Liquor Containers and Buy Unlicensed Liquor (>12 ltr)

Offenders

Commanding Officer Signature: _____

Reviewed by Deputy Chief Robert Fletcher:

IMAGE WILL APPEAR AFTER APPROVAL		West Allis Police Department Incident Report				
		Incident: Pending Coding				
		Incident Report Number: 19-027924		Between: Date - Time		And/At: Date-Time 7/19/19 15:09
		Incident Location: 1309 S 60 St, West Allis, WI, 53214				
		CFS Code-1: 9999	CFS Code-2:	CFS Code-3:	CFS Code-4:	
CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:			
W	Name (Last, First, Middle) Brycki, Dana R			Race/Sex W/F		
Address: (Address, City, State, Zip) 7413 W BECHER ST,A, WEST ALLIS, WI, 53219				Phone 1		
Employer				Phone 2 (414) 940-5382		
Employer Address				Work Phone # (414) 204-3662		
O	Name (Last, First, Middle) Magritz, Erwin C			Race/Sex W/M		
Address: (Address, City, State, Zip) 407 Island View Ct, Dousman, WI, 53118				Phone 1		
Employer				Phone 2		
Employer Address				Work Phone # (414) 460-9025		
<p>SUMMARY</p> <p>On 07/19/19, officers followed up on a prior complaint about the owner, Erwin C. Magritz, M/W [REDACTED], refilling liquor bottles. Investigation revealed there were violations of refilling Original Liquor Containers and Buy Unlicensed Liquor (>12 ltr).</p>						
Vehicle Information: (Year, Make, Model, Style, Color)						
License Number:	State:	Expiration Year:	Vin:	Insurance Company:		
Other Vehicle Information:				NCIC#		
Reporting Officer(s): Mussatti, Kevyn			Payroll Number : KM9906	Report Date: 07/19/2019		
Time Received: 15:09:02	Time Cleared: 17:50:22	Unit(s) Assigned: 222, 228	Pages: 1 Of 4			
Reviewed by:		Payroll Number :	Copy To			

Date: 07/19/2019

CFS Code-1: 9999

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West Allis Police Department**Continuation**

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19-027924

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1309 S 60 St, West Allis, WI, 53214

Incident Date:

07/19/2019

NAMES**Business**

Remedy of 1309 S 60 St, West Allis, WI, 53214
 Work Phone: (414) 455-3333

Witness

Wilhelm, Amber Rose W/F [REDACTED] of 2824 S 9th St, Milwaukee, WI, 53215
 DOB: [REDACTED]
 [REDACTED] 509 WT: 140 Hair: Bald/Shaved
 Eyes: Blue

Other Phone: (414) 704-9084

NARRATIVE**PRIOR CALL FOR SERVICE**

On 05/13/19 I responded to a call at Remedy, 1309 S. 60 St., to assist with a problem between an employee and the owner of the bar. During the incident, the ex-employee, Amber R. Wilhelm, F/W [REDACTED], was in the process of being terminated by the owner, Erwin C. Magritz, M/W [REDACTED].

Near the end of the contact, Amber advised me of several liquor violations by Erwin. She said he was refilling liquor bottles at the business. He used funnels, which were located inside the kitchen. She also mentioned he was pouring rail liquor into Greygoose bottles. She said she had specifically seen him do that numerous times. *See Call #19-017684 for the contact.*

TAVERN CHECK

On 07/19/19, I responded to Remedy Bar (#19-1733) to follow up on the complaint by ex-employee Amber. I made contact with the on duty bartender, Dana R. Brycki, F/W [REDACTED] (# 8354). During my contact with Dana, I spoke to her about the complaint I received. She confirmed the violations were being performed by the owner, Erwin, who was currently not on scene.

I asked Dana further about it. She confirmed Erwin used funnels to refill liquor bottles. She said she had observed him do it many times, including in front of customers, behind the bar. I located several funnels inside the business, which

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she confirmed Erwin uses. Two funnels were located inside the kitchen. One funnel was located by the front bar. I asked Dana if she uses funnels to make any cocktails or if she is aware of Erwin using funnels for anything. She confirmed he used it to refill liquor bottles.

Dana also advised me to check the lower cabinets at the bar. I checked one of the lower cabinets, and observed larger liquor bottles, specifically 1.75L bottles. She advised me specifically of the Crown Royal Apple. She said he's used the 1.75L bottle to pour into the smaller bottle, which is why the outside is sticky.

Inside one of the lower liquor cabinets, I observed a 1.75L bottle of Crown Royal Apple, Jack Daniel Tennessee Fire, Malibu Coconut, Malibu Mango, and two bottles of UV Blue Raspberry Flavor. Inside another lower liquor cabinet I located a 1.75L bottle of Grey Goose. The last bottle I located was a 1.75L of Jagermeister. All bottles were partially full.

I also located the same liquor bottles in small quantities. There was a 1L of Grey Goose Vodka, a 750mL bottle of Crown Royal Apple, a 1L bottle of Malibu Coconut, a 1L bottle of Malibu Mango, and a 1L bottle of UV blue Raspberry flavored. All 1.75L liquor bottles as well as the smaller brands of the liquor bottles were ultimately seized.

CONTACT WITH ERWIN C. MAGRITZ

Erwin ultimately arrived on scene. I advised him of the complaint and asked him about the funnels inside the kitchen. He said it was to help get condiments into smaller containers. I asked him about the funnel in the front of the bar. He claimed it should've been inside the kitchen and ultimately blamed the bartender working.

Erwin denied refilling liquor bottles, but admitted he purchased some of the bottles from nearby businesses. He said he used a liquor store at S. 51 St./W. Oklahoma Ave. He also used the liquor store nearby, County Beer and Liquor, 979 S. 60 St. He also made claims that he was allowed to have three bottles purchased non-wholesale, as long as he poured straight out of the bottles. He said all the large 1.75L bottles were being used to pour straight into drinks, not to refill smaller liquor bottles. I advised him he had obviously more than three bottles.

Erwin showed me receipts of his wholesale purchases. There were receipts that appeared to be recent, within the past couple of months. There did not appear to be any non-wholesale purchases of beer. He advised me he had recent purchased alcohol bottles inside his vehicle. I advised him not to bring it in or it would be seized. He was advised he would be receiving citations for the incident.

PHOTOS

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I took the following photographs with a department issued digital camera. The photos were uploaded to the DIMS. Below is the photo log:

- 1) UV Blue Raspberry Vodka bottles and partial view of Malibu bottle
- 2) 1.75L and 1L of UV Blue Raspberry bottles
- 3) of Apple Crown Royal (1.75L and 750mL), 1.75L of Jagermeister, Gray Goose Vodka (1.75L and 1L), and Jack Daniel's Tennessee Fire 1.75L
- 4) 1.75L and 750mL Apple Crown Royal
- 5) Grey Goose Vodka 1.75L and 1L
- 6) Daniel's Tennessee Fire 1.75L
- 7) Jagermeister 1.75L

Also see Officer Niemuth's supplement report for photos.

CITATION

Citations, 1S804K13N4, for 125.68(8)(a)2 Refill Original Intox. Liquor Container, and 1S804K13N5 for Retailer Buy Unlicensed Liquor >12 Ltr., were generated with a court date of 09/09/19 at 0830 hrs. The citations were mailed to Erwin's address in the city of Dousman, WI.

It should be noted, citation 1S804K13N4 had 125.33(9) "RETAILER BUY/BEER FROM UNLICENSED WHOLESALER" is written in the department details, but it should be "Refilling Original Intox. container".

TAVERN REPORT

The tavern report tab was also completed.

CASE DISPOSITION

On 07/19/19, officers followed up on a prior complaint about the owner, Erwin C. Magritz, M/W [REDACTED], refilling liquor bottles. Investigation revealed there were violations of refilling Original Liquor Containers and Buy Unlicensed Liquor (>12 ltr). Citations were issued for the incident.

This report will be forwarded to the Department of Revenue.

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