



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Minutes License & Health Committee

Aldersperson Michael J. Czaplewski, Chair
Aldersperson James W. Sengstock, Vice-Chair
Alderspersons: Gary T. Barczak, Daniel J. Roadt, Martin J. Weigel

Tuesday, May 25, 2010

6:00 PM

City Hall Room 128

REGULAR MEETING

A. CALL TO ORDER

The meeting was called to order by Chair Czaplewski at 6:00 p.m.

B. ROLL CALL

Present: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
Excused: 1 - Ald. Sengstock

Others present: Jason A. Krzyzanowski, Simone N. Mervosh, Jatinder P. Singh, Michelle L. Scott, Nicole L. Balistreri, Adam L. Malmquist, Linda A. Korth, Ricky R. Amborn, Dorene J. Monty, Rocco A. Landgraf, Debra M. Nadboralski, Guy M. Robb, Ram S. Joseph, Ted Atkinson, Director of Building Inspections and Neighborhood Services, Lt. Terry Morrissey, West Allis Police Dept., Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

C. APPROVAL OF MINUTES

A motion was made by Ald. Weigel, seconded by Ald. Barczak, to approve the minutes of the regular meeting of April 27, 2010, recess meetings of May 4, 2010 and May 18, 2010. The motion carried unanimously.

D. NEW AND PREVIOUS MATTERS

4. [2010-0258](#)

2010-2012 Tavern Operator License renewal application no. 12-68 of Judith E. Palms.

Nonappearance of Judith E. Palms. Ms. Palms contacted the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.

Held

5. [2010-0267](#)

2010-2011 Tavern Operator License application no. 11-475 of Simone N. Mervosh.

Appearance by Simone N. Mervosh. Ald. Barczak asked Ms. Mervosh to explain the incident on the police report. Ald. Barczak informed all in attendance about the City's compliance check program. He advised Ms. Mervosh to check all identification and that the bartender has the right to hold onto an ID and call the police to verify it is valid. If the patron wants to leave before the police arrive, they may. Ald. Barczak said the bartender does not have to serve a patron for any reason and to call 911 when there is a problem.

A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended For Approval. The motion carried by the following vote:

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

3. [2010-0257](#) 2010-2011 Tavern Operator License application no. 11-478 of Jason A. Krzyzanowski.
- Appearance by Jason A. Krzyzanowski. Ald. Roadt stated Mr. Krzyzanowski was candid and honest on his application. Mr. Krzyzanowski told the Committee that he has tended bar before and understands what Ald. Barczak said about the City's compliance checks and calling 911.*
- A motion was made by Ald. Roadt, seconded by Ald. Weigel, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
6. [2010-0294](#) 2010-2012 Tavern Operator License renewal application no. 12-89 of Jatinder P. Singh.
- Appearance by Jatinder P. Singh. Ald. Roadt reminded Mr. Singh to check identification and not serve anyone under 21.*
- A motion was made by Ald. Weigel, seconded by Ald. Roadt, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
7. [2010-0295](#) 2010-2012 Tavern Operator License renewal application no. 12-92 of Michelle L. Scott.
- Appearance by Michelle L. Scott. Ald. Weigel asked Ms. Scott about the incident in question. He stated she needs to take responsibility for her actions and drink responsibly. Ms. Scott replied she did not think she was arrested for that incident because there were no charges.*
- A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
8. [2010-0315](#) 2010-2011 Tavern Operator License renewal application no. 11-486 of Nicole L. Balistreri.
- Appearance by Nicole L. Balistreri. Ald. Roadt commented that Ms. Balistreri was honest on her application. Ald. Barczak asked Ms. Balistreri if she heard and understood his previous lecture regarding compliance checks and calling 911. Ms. Balistreri replied that she understood.*
- A motion was made by Ald. Roadt, seconded by Ald. Weigel, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

9. [2010-0324](#) 2010-2011 Tavern Operator License application no. 11-493 of Adam L. Malmquist.
- Appearance by Adam L. Malmquist. Mr. Malmquist explained his background check, underage incidents, current situation with AA, and being laid off. Ald. Weigel asked if Junebugs allows their employees to drink while on duty. Mr. Malmquist replied she does not. Ald. Czaplewski commented that this application was on the border of his approval. Ald. Czaplewski said one more OWI and he would recommend denial. Ald. Barczak said he would reluctantly make a motion to approve. Ald. Roadt seconded it with a warning to Mr. Malmquist to not disappoint this Committee. Ald. Czaplewski cautioned Mr. Malmquist about having his license revoked if he had another incident.*
- A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
10. [2010-0325](#) 2010-2012 Tavern Operator License application no. 12-147 of Kim I. White.
- Nonappearance of Kim I. White. Ms. White contacted the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.*
- Held**
12. [2010-0236](#) 2009-2011 Tavern Operator License application no. 11-461 of Ricky R. Amborn.
- Appearance by Ricky R. Amborn. Ald. Weigel commented that Mr. Amborn had a number of OWI's in the 90's. Mr. Amborn told the Committee he was going through a bad divorce but has not had a drink in seven to eight years. Mr. Amborn said he does not currently drive, but is taking classes to get his license back. Ald. Czaplewski commented that Mr. Amborn's thirty-five year background check looks like he cannot follow rules. Ald. Barczak said he would be willing to give Mr. Amborn a chance, Ald. Barczak told Mr. Amborn that if there are any repeat incidents he would expect Mr. Amborn to surrender his license voluntarily. Ald. Czaplewski cautioned that the Committee would take action to revoke the license.*
- A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 3 - Ald. Czaplewski, Ald. Barczak and Ald. Roadt
No: 1 - Ald. Weigel
13. [2010-0327](#) Communication from the Director of Building Inspections & Neighborhood Services requesting review of the liquor license issued to Shawna's Pub, 1101 S. 60 St., for violations of occupancy and building codes.
- Nonappearance of Loretta A. Matovich. Ms. Matovich did not contact the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting. Ted Atkinson informed the Committee that Shawna's has failed to comply with landscape and architecture requirements. He commented that their occupancy permit was issued last year in good faith and improvements were to be done last fall. Mr. Atkinson asked that the Committee consider revocation of this license.*
- Held**
14. [2010-0293](#) Police Department Report involving Shawna's Pub and Grub, 1101 S. 60 St. (2009-2010 Class B Tavern License no. 1579, and Dance Hall License no. 1580 of LAM Enterprises, LLC, Loretta A. Matovich, Agent, Incident Date: April 5, 2010).
- See legislative file no. 2010-0327.*
- Held**

15. [2009-0457](#) 2009-2010 Class B Tavern License renewal application no. 1283 of MJJB, LLC, Brad Mark Roessger, Agent, d/b/a Buggy's for premises located at 6851 W. Beloit Rd.
Nonappearance of Brad Mark Roessger. Mr. Roessger did not contact the Clerk's Office.
Held
16. [2010-0285](#) 2010-2011 Class B Tavern License application no. 1654 and Instrumental Music License application no. 1655 of Wisconsin Athletic Club LLC, Chezare Misko, Agent, d/b/a Wisconsin Athletic Club for premises located at 1939 S. 108 Street (new-existing).
Nonappearance of Chezare Misko. Mr. Misko contacted the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.
Held
17. [2010-0310](#) 2010-2011 Class B Tavern license renewal application no. 1447, PM Pub & Grub, Inc., Dorene Monty, Agent, d/b/a PM Pub & Grub for premises located at 6533 W. Mitchell Street. (new agent).
Appearance by Dorene J. Monty. Ms. Monty told the Committee that she was now living on the premises upstairs with John Monty. Ms. Monty said her and Mr. Monty were separated for six years and are now back together. She stated she was going to be the agent and that Mr. Monty has no involvement in the business. Ald. Weigel stated he was very concerned with Mr. Monty still living on the premises. He said it appears that Ms. Garvey was a front person for the past year just to hold onto the liquor license. Ald. Barczak reviewed minutes from last year when Ms. Garvey became the agent. Ald. Barczak said it appears nothing has changed. He asked if Ms. Monty was involved in the running of the tavern when the gambling charges happened. Ms. Monty told the Committee when she was separated from Mr. Monty she had no involvement in the business. Ald. Roadt stated he recalled there being massive amounts of cash involved and could not understand how Ms. Monty did not know what was going on.
A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended for Denial. The motion carried by the following vote:
Votes: Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
18. [2010-0289](#) 2010-2011 Class B Tavern License renewal application no. 1361, Dance Hall License renewal application no. 1657 and Instrumental Music License renewal application no. 1656 of Rocco A. Landgraf, d/b/a Rocco's Bar & Grill for premises located at 1309 S. 60 St.
Appearance by Rocco A. Landgraf. Mr. Landgraf told the Committee he was stopped for speeding in a small town and he was charged with an OWI. He was not asked to take a breathalyzer or field sobriety test and he was not arrested or fingerprinted. Mr. Landgraf said he just had to pay a fine.
A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:
Votes: Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

19. [2010-0290](#) 2010-2011 Class B Tavern License renewal application no. 1574, Dance Hall License renewal application no. 1576 and Instrumental Music License renewal application no. 1575 of DRND Corporation, Debra M. Nadboralski, Agent, d/b/a D & D's Bar & Grill for premises located at 1022 S. 60 St.
- Appearance by Debra M. Nadboralski. Ms. Nadboralski told the Committee she has learned her lesson.*
- A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
20. [2010-0291](#) Police Department Report involving G R's National Pub, 6827 W. National Ave. (2009-2010 Class B Tavern License no. 1613, Dance Hall License no. 1615, and Instrumental Music License no. 1614 of Guy M. Robb, LLC, Guy M. Robb, Agent, Incident Date: April 11, 2010).
- Appearance by Guy M. Robb. Mr. Robb was informed that he was asked to appear because his employees did not call the police. Mr. Robb said the bar was busy and he did not personally observe the confrontation. When he went to investigate what happened he saw a man lying on the ground claiming he was punched. Mr. Robb said he cooperated with the police when they arrived and provided them with the video tape. Lt. Morrissey told Mr. Robb that any type of physical altercation should generate a call to 911.*
- A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
21. [2010-0312](#) 2010-2011 Class B Tavern License renewal application no. 1613, Instrumental Music License renewal application no. 1614 and Dance Hall License renewal application no. 1615 of Guy M. Robb, LLC, Guy M. Robb, Agent, d/b/a G R's National Pub, premises located at 6827 W. National Ave.
- See legislative file no. 2010-0291.*
- A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
11. [2010-0326](#) 2010-2011 Tavern Operator License application no. 11-492 of Linda A. Korth.
- Appearance by Linda A. Korth. A discussion ensued regarding Ms. Korth's police background check. Ald. Barczak stated if something should happen, it would be difficult for the Committee to justify issuing Ms. Korth a license. Ald. Barczak stated his general rule of thumb is if an incident is ten years or older he will not hold it against an applicant. He told Ms. Korth to have a clean record for ten years and then apply again. Ald. Weigel stated a bartender has responsibilities more than just pouring drinks. He commented that her background record shows a lack of personal responsibility.*
- A motion was made by Ald. Weigel, seconded by Ald. Barczak, that this matter be Recommended for Denial. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

22. [2010-0297](#) Police Department Report involving Kwik Pantry, 6716 W. Lincoln Ave. (2009-2010 Combination Class A License no. 1502 of Bryan SRA, LLC, Ram S. Joseph, Agent, Incident Date: April 23, 2010).
- Appearance by Ram S. Joseph. Lt. Morrissey told Mr. Joseph he was displaying inappropriate materials, books and videos. He said Mr. Joseph could sell these materials but could not display them. Ald. Barczak questioned why Mr. Joseph would want to contribute to a growing problem and suggested he use common sense. Ald. Czaplewski stated he would prefer Mr. Joseph not sell this type of material and most definitely to not have it visible.*
- A motion was made by Ald. Weigel, seconded by Ald. Roadt, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
23. [2010-0292](#) 2010-2011 Combination Class A Liquor License renewal application no. 1502 of Bryan SRA, LLC, Ram S. Joseph, Agent, d/b/a Kwik Pantry, for premises at 6716 W. Lincoln Ave.
- Appearance by Ram S. Joseph. Mr. Joseph told the Committee he got into an altercation with a service man installing surveillance cameras. Mr. Joseph said the installer went behind the counter without permission and would not leave. Mr. Joseph said at that time he pushed the man. Ald. Barczak told Mr. Joseph he should have called 911 and not have gotten physical with the person.*
- A motion was made by Ald. Weigel, seconded by Ald. Roadt, that this matter be Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
24. [2010-0164](#) Summons and Complaint in the matter of the complaint against Atlas Tobacco Wholesale Corp., Kamal H. Issa, Agent, d/b/a West Allis Cigarette Depot at 7023 W. Greenfield Ave.(2009-2010 Cigarette License no. 513).
- Nonappearance of Kamal H. Issa. Attorney Othman Atta contacted the Clerk's Office. The Committee requested Mr. Issa and Atty. Atta be ordered to appear at the next scheduled License & Health meeting.*
- Held**
25. [2010-0030](#) Police Department Report involving West Allis Cigarette Depot, 7023 W. Greenfield Avenue (2009-2010 Cigarette and Tobacco Products License no. 513 of Atlas Tobacco Wholesale Corporation, Kamal H. Issa, Agent, Incident Date: December 13, 2009).
- See legislative file no. 2010-0164.*
- Held**
26. [2010-0255](#) 2010-2011 Cigarette License renewal application no. 513 of Atlas Tobacco & Grocery Wholesale Corp., Kamal H. Issa, Agent, d/b/a West Allis Cigarette Depot for premises located at 7023 W. Greenfield Ave.
- See legislative file no. 2010-0164.*
- Held**

1. [O-2010-0013](#) An Ordinance to Amend Subsection 9.05(2)(b) of the West Allis Revised Municipal Code Relating to Dance Halls.

Sponsor(s): Michael J. Czaplewski

The Committee requested school and church dances be eliminated from the Dance Hall License requirement. Attorney Merten said she would consult with the City Attorney.

A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended for Passage. The motion carried by the following vote:

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

2. [O-2010-0014](#) An Ordinance to Repeal SubSection 7.126(5)(d)(1) and Recreate Using Number (2) and Renumbering (3) to (2) of the West Allis Revised Municipal Code Relating to Dangerous Dogs.

Sponsor(s): Michael J. Czaplewski

Attorney Merten explained the revision to the West Allis Municipal Code relating to dangerous dogs.

A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended for Passage. The motion carried by the following vote:

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

E. OTHER MATTERS TO COME BEFORE THE COMMITTEE FOR DISCUSSION/ACTION

None.

F. ADJOURNMENT

A motion was made by Ald. Roadt, seconded by Ald. Weigel, to adjourn at 7:28 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*