

36.
28.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2013-0643 Report Introduced

Police Department Report involving Whammy Bar, 6139 W. Beloit Rd., (2013-2014 Class B Tavern License no. 1427, Dance Hall License no. 1428 and Instrumental Music License no. 1430 of Smokin' Joe's Pub, LLC, Kelly A. Schey, Agent, Incident Date: October 5, 2013).

Introduced: 11/19/2013 Controlling Body: License & Health Committee

PLACE ON FILE

COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
DEC 03 2013			Barczak				✓
			Czaplewski	✓			
			Lajsic				
			May				
			Probst				
	✓		Reinke				
			Roadt	✓			
			Sangstock				
		✓	Vitale				
			Weigel	✓			
			TOTAL	3	0		1

SIGNATURE OF COMMITTEE MEMBER

Chair Vice-Chair Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
DEC 03 2013	✓		Barczak				✓
			Czaplewski	✓			
			Lajsic	✓			
			May	✓			
		✓	Probst	✓			
			Reinke	✓			
			Roadt	✓			
			Sangstock				
			Vitale	✓			
			Weigel	✓			
			TOTAL	8	-	-	1

UNANIMOUS

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL**

ADMINISTRATION & FINANCE

~~Chair: James W. Sengstock~~
Vice-Chair: Vincent Vitale
Thomas G. Lajsic
Michael P. May
Cathleen M. Probst

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplewski
Rosalie L. Reinke
Daniel J. Roadt

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Cathleen M. Probst
Michael P. May
Rosalie L. Reinke
Vincent Vitale

LICENSE & HEALTH

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

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Michael P. May
Cathleen M. Probst
Daniel J. Roadt
Vincent Vitale



**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 10/5/2013
To: Lieutenant Jessica Johnson
From: Officer James Plotkin

Violation Type

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

Incident #: 13-009054

N/A

Location:

N/A

Establishment Name:

N/A

Establishment License #:

Whammy Bar

N/A

Establishment Owner:

6039 Beloit Rd

N/A

Owner Address:

N/A

Violation(s): 947

Smokin' Joe's Pub, LLC
Joseph A. Jeffords, Agent

N/A

Offender:

N/A

Offender Address:

N/A

Offender:

N/A

Offender Address:

N/A

Offender:

CBT 1427

N/A

Offender Address:

N/A

Offender:

IM 1430

N/A

Offender Address:

N/A

DH 1428

Additional Offenders listed in Incident Report narrative: Yes No

Reviewed by Commanding Officer: Captain Marks

Copy of Incident Report Attached to Liquor Laws Violation Report: Yes N/A

Commanding Officer Signature: *Captain Christopher Marks*

Reviewed by Deputy Chief Robert Fletcher:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Incident: Disorderly Conduct			
Incident Report Number: 13-009054	Between: Date - Time	And/At: Date-Time 10/5/13	02:37
Incident Location: 6139 W Beloit Rd;WA, West Allis, WI, 53219			
CFS Code-1: 5311	CFS Code-2:	CFS Code-3:	Offense Code-4:
CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:

CN	Name (Last, First, Middle) Grubor, Peter W	DOB: 02/02/1964	Race/Sex W/M
Address: (Address, City, State, Zip) N108 W6966 Berkshire St, Cedarburg, WI, 53012			Home Phone Number (414) 763-2873
Employer			Work Phone Number (262) 696-3943
Employer Address			Cell Phone Number (414) 975-5647
W	Name (Last, First, Middle) Schey, Kelly A	DOB: 07/05/1960	Race/Sex W/F
Address: (Address, City, State, Zip) N108 W6966 Berkshire St, Cedarburg, WI, 53012			Home Phone Number (262) 204-8136
Employer			Work Phone Number
Employer Address			Cell Phone Number (262) 206-1776

SUMMARY

Officer Plotkin reports... DC. On 10-05-13 at approximately 0237 hrs, officers responded to 6139 W. Beloit Rd., the Whammy Bar tavern, for a report of a trouble call. Investigation revealed intoxicated guitarist of the band Cyanide Sunrise, Jason A. Zaharick, playing at the above establishment this evening, was involved in a confrontation with tavern employee, Peter W. Grubor, on the east side of the above establishment. Zaharick yelled obscenities at Grubor, created a disturbance, threw a chair, followed after Grubor once Grubor attempted to go back inside this tavern, attempted to gain entry to this tavern in an effort to continue to engage in a confrontation with Grubor, kicked upon the door Grubor entered this tavern through, and continued to yell obscenities and create a disturbance until police arrived. The above entry door to this tavern was also damaged. Zaharick was taken into custody for DC, processed at the

Vehicle Information: (Year, Make, Model, Style, Color)				
License Number:	State:	Expiration Year:	Vin:	Insurance Company:
Other Vehicle Information:				NCIC#
Reporting Officer(s): Plotkin, James .		Payroll Number: 9576	Payroll Number:	Report Date:
Time Received: 02:37:09	Time Cleared: 03:28:14	Unit(s) Assigned: 310, 306, 312, 313, 314.	Pages: 1 Of 7	
Reviewed by: Marks, Christopher		Payroll Number: 9075	Copy To	

Date: 10/05/2013
CFS Code-1: 5311
Incident Report Number: 13-009054

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Continuation

Incident Report Number
13-009054

Incident Location:
6139 W Beloit Rd;WA, West Allis, WI, 53219

Incident Date:
10/05/2013

station, issued municipal citation #M13-0046751 indicating municipal court date of 11-11-13 at 0830 hrs for DC, and subsequently released from the station.

Reporting Officer(s):
Plotkin, James .

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9576

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Incident Report Number
13-009054

Incident Location:
6139 W Beloit Rd;WA, West Allis, WI, 53219

Incident Date:
10/05/2013

NAMES

Business

Whammy Bar of 6139 W Beloit Rd, West Allis,WI,53219
Business Phone:(414) 763-2873

Offender

Zaharick, Jason A W/M-36 of 804 Fountain St, Ashland,PA,17921
DOB: 06/30/1977 DL: 24 514 182
HT: 509 WT: 160 Hair: Brown
Eyes: Green Complexion: Fair

Booking#: 13-004675

Case#	Charge	Description	Ct
13-009054	WA-947.01	Disorderly Conduct	1

Witness-1

Twigg, Michael Patrick Jr W/M-26 of 430 Harrison St, Pottsville,PA,17901
DOB: 06/30/1987
Cell Phone:(570) 294-4406

Witness-2

Dembinsky, Jason A W/M-26 of 217 N 2 St, Pottsville,PA,17901
DOB: 03/20/1987

NARRATIVE

INITIAL OBSERVATIONS

Officer Plotkin reports... On 10-05-13 at approximately 0237 hrs, officers responded to 6139 W. Beloit Rd., the Whammy Bar tavern, for a report of a trouble call, band attempting to assault people and complainant armed with a gun.

Upon arrival, I observed a male, subsequently identified as Jason A. Zaharick, standing at the eastern side pedestrian/entry door of this tavern, yelling obscenities at the top of his lungs and intermittently kicking at this door. Two

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Plotkin, James .

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additional males, subsequently identified as Michael P. Twigg and Jason A. Dembinsky, were standing to the south of Zaharick's above location, in the rear lot of this tavern. Several other males were also in this immediate area to the southeast, near a bus parked in the rear lot of this tavern. It appeared as if all individuals present outside of this tavern were there together as a group. I did not observe anyone else in the area at that time.

Upon this scene being secured, I spoke with Zaharick. Zaharick appeared to be intoxicated. Officer Foy spoke with Twigg and Dembinsky. Officers Mathy and Schmidt made contact with complainant and tavern agent, Kelly A. Schey, and tavern employee and bartender, Peter W. Grubor, inside the above tavern. Officer Mathy spoke with Schey and Officer Schmidt spoke with Grubor. No one was found to be in possession of a firearm upon officer's arrival. A firearm was located inside the above establishment during investigation of this incident. See Officer Mathy's supplemental report for further details regarding locating this firearm.

While on scene, I observed an old wooden chair in poor condition, which had been sitting outside for some time, was now broken on the southern east side of this tavern. I also observed the door handle on the above eastern pedestrian door of this tavern was bent, and the door itself had a crack near the door latch and deadbolt.

ON SCENE STATEMENT OF JASON A. ZAHARICK (OFFENDER)

An intoxicated Jason A. Zaharick stated he is a guitarist in the band Cyanide Sunrise and was contracted to play music at the above tavern this evening with his band. Zaharick stated this event was poorly organized and tavern employee and bartender, Peter W. Grubor, was difficult and unpleasant to interact with this evening while performing at the above establishment.

Zaharick stated as his band was preparing to leave the establishment following their performance this evening, Zaharick stated Grubor was being an "asshole" and Zaharick stated he could not believe how Grubor treated him, his band mates, and others present at the tavern this evening. Zaharick stated he had enough of Grubor's behavior and confronted Grubor regarding this matter on the eastern exterior of the above tavern. Zaharick stated he conveyed to Grubor that he (Zaharick) believed Grubor was an "asshole" and that he (Zaharick) could not believe how poorly Grubor treated others.

Zaharick stated Grubor responded by challenging him (Zaharick) to a fight. Zaharick stated he yelled at Grubor as a result. Zaharick stated during this time, someone threatened they would get a gun and shoot him (Zaharick). Zaharick stated he yelled "fucking shoot me then" and threw a chair outside as a result.

Zaharick stated Grubor subsequently went back inside the above tavern and he (Zaharick) did attempt to follow Grubor back inside the above tavern. Zaharick

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stated the door Grubor entered into this tavern was locked and he was unable to get inside the tavern. Zaharick stated police arrived a short time later.

Zaharick stated he did not pull on or damage the above door during this incident. Zaharick stated he did not observe anyone else pull on or damage the above door during this incident. Zaharick stated the above door handle was bent upon/prior to his arrival at the above establishment this evening.

Zaharick was unable/unwilling to provide any further information regarding this incident at that time.

INVESTIGATION

Investigation revealed intoxicated guitarist of the band Cyanide Sunrise, Jason A. Zaharick, playing at the above establishment this evening, was involved in a confrontation with tavern employee and bartender, Peter W. Grubor, on the east side of the above establishment, during which time Zaharick yelled obscenities at Grubor, created a disturbance, threw a chair damaging it, followed after Grubor once Grubor attempted to go back inside this tavern, attempted to gain entry to this tavern in an effort to continue to engage in a confrontation with Grubor, was unable to get inside this tavern, intermittently kicked upon the door Grubor entered this tavern through, and continued to yell obscenities and create a disturbance until police arrived.

The above east entry door to this tavern was also reportedly damaged as described above during this incident. During this incident, complainant and tavern agent, Kelly A. Schey, stated she felt threatened by the above chain of events and armed herself with a handgun while inside the above tavern, as Zaharick was at the east entry door creating a disturbance. It appeared as Zaharick initially started the confrontation between Grubor and himself, Grubor was initially willing to engage in a confrontation with Zaharick and participated in such, Grubor subsequently decided to disengage from this confrontation and retreat inside the above tavern, and Zaharick continued to seek confrontation with Grubor.

Investigation revealed no physical altercation occurred during this incident.

STATEMENT OF PETER W. GRUBOR (CONTACT)

While on scene, I briefly spoke with Peter W. Grubor. Grubor stated during this incident and while engaged in an argument/confrontation with Zaharick on the east side of the above tavern, Grubor stated he retreated back inside this tavern, Zaharick attempted to follow him inside the tavern, and someone began attempting to open the east entry door Grubor entered the tavern through. Grubor stated Zaharick and several other band members were present outside during this incident and approached the above tavern entry door as Grubor went inside the tavern. Grubor stated he specifically did not witness who was attempting to open the above

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door during this incident.

Officer Schmidt spoke with Grubor more in depth while on scene. See Officer Schmidt's supplemental report for further details regarding Grubor's statement.

STATEMENT OF KELLY A. SCHEY (WITNESS)

While on scene, I briefly spoke with Kelly A. Schey. Schey stated Peter W. Grubor was involved in a confrontation with members of the band which played at the above establishment this evening while Grubor was taking trash outside. Schey stated she could hear various yelling and a disturbance to the east side of the tavern's exterior as Grubor took this trash out. Schey stated during this disturbance, Grubor came back inside this tavern via the east entry door, Grubor locked this door behind him, and others outside attempted to open this door. Schey stated this door was damaged as described above as a result of who ever outside was attempting to open this door. Schey stated she did not observe who was attempting to open this door from the exterior.

Officer Mathy spoke with Schey more in depth while on scene. See Officer Mathy's supplemental report for further details regarding Schey's statement.

STATEMENT OF MICHAEL P. TWIGG (WITNESS)

While on scene, I briefly spoke with Michael P. Twigg. Twigg denied attempting to open the tavern east entry door and denied observing anyone else attempting to do this upon Grubor retreating inside the above tavern. See Officer Foy's supplemental report for further details regarding Twigg's statement.

STATEMENT OF JASON A. DEMBINSKY (WITNESS)

While on scene, I briefly spoke with Jason A. Dembinsky. Dembinsky denied attempting to open the tavern east entry door and denied observing anyone else attempting to do this upon Grubor retreating inside the above tavern. See Officer Foy's supplemental report for further details regarding Dembinsky's statement.

ARREST DECISION

Jason A. Zaharick was determined to be the predominant aggressor associated with this incident and did not disengage from this confrontation on his own accord. Zaharick was disorderly during this incident and was taken into custody for DC as a result. Zaharick was transported to the station for processing by Officer Plotkin.

CASE DISPOSITION

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Plotkin, James .

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Zaharick was taken into custody for DC, processed at the station, issued municipal citation #M13-0046751 indicating municipal court date of 11-11-13 at 0830 hrs for DC, and was subsequently released from the station. All others associated with this incident were released from the scene.

A tavern report regarding this incident was completed and submitted to Captain Marks.

This report is to be sent for review by the C.O.

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Plotkin, James .

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West Allis Police Department

Supplementary Report

Incident Report Number 13-009054	Incident Location: 6139 W Beloit Rd;WA, West Allis, WI, 53219	Incident Date: 10/05/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1:
		New CFS Code - 2:

NAMES

Owner/Property

Jeffords, Joseph A W/M-50 of 6139 W Beloit Rd;WA, West Allis,WI,53219
 DOB: 04/01/1963 DL: J163-4816-3121-05
 HT: 506 WT: 170 Hair: Black
 Eyes: Brown Complexion: Light Brown
 Cell Phone:(414) 559-6374 Other Phone:(414) 559-6374

Witness

Schey, Kelly A W/F-53 of N108 W6966 Berkshire St
 Cedarburg,WI,53012
 DOB: 07/05/1960 DL: S000-5016-0745-15
 HT: 506 WT: 160 Hair: Brown
 Eyes: Brown
 Home Phone:(262) 204-8136 Cell Phone:(262) 206-1776

NARRATIVE

INITIAL CALL

P.O. Mathy reports...

On 10/05/13 at approximately 0237hrs, I responded to 6141 W. Beloit Rd. (Whammy Bar), for a trouble call. While in route, dispatch advised the caller accessed a firearm initially and has secured it when Officers began to arrive on scene.

STATEMENT- KELLY A. SCHEY (WITNESS)

Upon arrival I made contact with Kelly A. Schey F/W 07/05/60, who identified herself as the agent of the bar. Schey stated she did have a firearm previously and I asked her where her firearm was. I temporarily took custody of the .380 semi-automatic pistol while on scene. I asked Schey to explain what occurred. Schey said the bartender, Peter W. Grubor M/W 02/02/64, was in an argument with band members while he was taking trash out. Schey was unsure who he was specifically arguing with, however, she said she could hear a loud commotion outside. Schey said Grubor entered the bar on the east side door and that several individuals followed him. Grubor locked the door prior to

Reporting Officer(s): Mathy, Joseph T.	Payroll Number: 9830	Payroll Number:	Report Date: 10/05/2013
Reviewed by: Saftiq, Brian	Payroll Number 2103	Copy To:	1 Of 2

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the band members entering, however, she said the door immediately began to be violently pulled outward.

Schey said after approximately 2-3 minutes the locking mechanism of the door broke and that Grubor had to hold the door closed while the offenders were attempting to open it. Schey said she was fearful of her safety because she did not know what the intentions of the individuals were and the violent actions of breaking the door. Schey said after the door was broke she accessed her firearm, which she had in her purse previously. Schey said she did not make personal contact with the offender and did not know who was responsible for the damage. Further, Schey said she never pointed the firearm at anyone, nor did she chamber a round, and held the gun to her side during the incident.

Schey did not consume any intoxicating beverages and had a valid CCW permit. I asked Schey if she wanted anyone arrested for the incident. Schey was indecisive about having an arrest made, however, she confirmed that she wanted the door payed for by the offender(s). Schey did not have any other pertinent information to add about the incident.

Schey said she is an agent for Whammy bar and that her brother, Joseph A. Jeffords M/W 04/01/63, is the owner.

Reporting Officer(s):

Mathy, Joseph T.

ID Number

9830

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Supplementary Report

Incident Report Number 13-009054	Incident Location: 6139 W Beloit Rd;WA, West Allis, WI, 53219	Incident Date: 10/05/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NAMES

Contact

Grubor, Peter W W/M-49 of N108 W6966 Berkshire St
 Cedarburg, WI, 53012
 DOB: 02/02/1964 DL: G616-6796-4042-08
 HT: 604 WT: 210 Hair: Brown
 Eyes: Green Complexion: Fair
 Home Phone: (414) 763-2873 Cell Phone: (414) 975-5647

NARRATIVE

Officer Schmidt reports:

CALL FOR SERVICE

On 10/05/13 at 0237 hrs, officers responded to a trouble call at the Whammy Bar tavern, 6139 W. Beloit Rd. Upon arrival, I was requested to make contact with an individual inside the bar, later identified as Peter W. Grubor (m/w, 02/02/64).

STATEMENT - PETER W. GRUBOR

Grubor stated he was taking out the bar's garbage on 10/05/13 at approximately 0230 hrs, when approximately eight members of a band that had played earlier in the evening were behind the bar. Grubor advised a couple members of the band, one of whom was Zaharick, appeared intoxicated as they confronted Grubor about the "unorganized" event. Grubor told the subjects they did not need to get upset with him, because he was not the individual that set up the performance. Zaharick yelled obscenities at Grubor, and the situation escalated as they became more angry with Grubor's responses.

Grubor stated one member of the band threw a can of Pabst beer in his direction, which missed, and broke a wooden chair which was behind the bar. Zaharick reportedly told Grubor something to the effect of, "It's best to get back in the bar." Grubor stated there was eight of the band members, and only one of him, so he thought it would be best for him to retreat to the bar. As Grubor ran toward the rear door of the bar, he observed Zaharick following closely behind. Grubor was able to enter the bar and close the door behind him, but Zaharick attempted to pull open before he was able to lock it. The

Reporting Officer(s): Schmidt, Kevin	Payroll Number: 9964	Payroll Number:	Report Dat : 10/05/2013
Reviewed by: Marks, Christopher	Payroll Number 9075	Copy To:	1 of 2

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two parties had a short "tug of war" over the door, which ultimately resulted in the door and door handle to be broken in the process.

Grubor stated Schey, the bar's employee, accessed her firearm once the door would no longer close properly. The parties attempting to open the door shortly after stopped and the police were called. Grubor and Schey remained inside the bar until officers arrived. Grubor stated he had not consumed any alcoholic beverages. Grubor also advised that Zaharick was the "main instigator" throughout the incident.

END OF SUPPLEMENT

Reporting Officer(s):
Schmidt, KevinID Number
9964

ID Number

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New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Officer Foy reports...

DISPATCH TO CALL/ARRIVAL ON SCENE

On 10/5/13 at 0237hrs officers responded to 6141 W Beloit Rd for a report of individuals fighting with beer bottles and an individual possibly armed with a firearm. I arrived on scene in the rear of the tavern and observed a male, later identified as Jason A Zaharick, M/W 6/30/77, jump over a railing near the east entrance door to the business. I observed Zaharick go up to the door and strike it several times with his right leg. Zaharick was kicking the bottom of the door and shouting towards the inside of the bar. I ordered Zaharick away from the door and he complied. Once the scene was secure, I spoke with two other males that were outside of the bus, Michael Twigg and Jason Dembinsky.

STATEMENT OF WITNESSES - MICHAEL TWIGG AND JASON DEMBINSKY

I spoke with Michael Twigg and Jason Dembinsky outside of the bar in reference to the incident. Both Twigg and Dembinsky stated they began to hear yelling come from outside of their van and came outside. Both advised they observed Zaharick pick up a wooden chair and throw it onto the ground, causing it to break.

Twigg stated he was seeing what was going on when he heard an individual shout he was going to retrieve a firearm, return and shoot the person outside. Twigg stated he believed the incident involved the manager of the bar, whom he stated was giving consistent problems to the band all night. Twigg believes Zaharick may have made a derogatory statements towards the manager causing the incident. Twigg stated he began to walk up towards Zaharick when I arrived and stopped anything else from continuing. Twigg denied anything related to throwing beer bottles or any physical confrontation throughout the night with anyone else in the bar at any time.

Reporting Officer(s): Foy, Daniel	Payroll Number: 9903	Payroll Number:	Report Date: 10/06/2013
Reviewed by: Saftiq, Brian	Payroll Number: 2103	Copy To:	1 Of 1

