

Monica Schultz City Clerk City Clerk's Office 414.302.8220 mschultz@westalliswi.gov

March 23, 2017

Attorney Jacob A. Manian Fox, O'Neill & Shannon, SC 622 N. Water St., Suite 500 Milwaukee, WI 53202

Re: Findings of Fact, Conclusions of Law, and Recommendation of the License & Health Committee for Bunty's Liquor, LLC

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Dear Attorney Manian:

Enclosed please find a copy of the proposed Findings of Fact, Conclusion of Law, and Recommendation in the matter of the complaint against Bunty's Liquor, LLC, d/b/a Cleveland Avenue Bunty's Liquor, for the premises located at 8423 W. Cleveland Ave. The License & Health Committee recommended that the "Class A" Intoxicating Liquor License, Class "A" Fermented Malt Beverage License, and Cigarette and Tobacco Products License of Bunty's Liquor, LLC be suspended for forty five (45) days. These findings and recommendation will be submitted to the Common Council for action at their April 4, 2017 meeting.

You have until 5:00 pm, March 30, 2017, to file with the City Clerk a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law, pursuant to section 9.02(20)(f)(2) of the West Allis Revised Municipal Code.

Please feel free to contact me should you have any questions in this regard.

Sincerely,

Munica Schultz

Monica Schultz City Clerk

/amn enclosure

cc: Beant Singh Chairman, License & Health Committee City Attorney Police Chief



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

In the Matter of the Complaint Against

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

Bunty's Liquor, LLC d/b/a Cleveland Ave. Bunty's Liquor, Beant Singh, agent

STATE OF WISCONSIN)) ss. COUNTY OF MILWAUKEE)

Upon deliberation and consideration of the complaint presented at the License and Health Committee meeting held on March 15, 2017, the Committee finds:

FINDINGS OF FACT:

- That Bunty's Liquor, LLC, by agent Beant Singh, was properly served a copy of the summons and complaint, pursuant to Wis. Stat. § 125.12(2)(ar) and West Allis Revised Municipal Code Section 9.02(20)(d)1.
- 2. That Bunty's Liquor, LLC, is the holder of "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License Number 16-1351 and Cigarette and Tobacco Products License Number 16-1354, both issued by the West Allis Common Council for the license period beginning July 1, 2016, and ending June 30, 2017 for the premises located at 8423 West Cleveland Avenue, West Allis, Wisconsin, and does business under the trade name "Cleveland Ave. Bunty's Liquor."
- 3. That Beant Singh is the agent of Bunty's Liquor, LLC's above-referenced licenses.
- 4. That Bunty's Liquor, LLC, by agent Beant Singh, admitted to paragraphs 3, 4, and 5 of the complaint and violating Wis. Stat. Sec. 125.69(6)(a); and, thus, those allegations are considered to be true.

- That Beant Singh purchased intoxicating liquor from approximately three General Beverage employees on three to four occasions in 2016.
- That the New Berlin Police Department's investigation revealed that this intoxicating liquor had been stolen from General Beverage Company.
- That when Beant Singh purchased the intoxicating liquor from the General Beverage employees, they were not wearing their General Beverage uniforms and were not driving a General Beverage truck.
- 8. That the purchase of this alcohol was not from a wholesaler, was in cash and significantly cheaper than the wholesale price, and that Beant Singh never received any invoices from the purchase of this intoxicating liquor.
- 9. That the aforementioned liquor was stored by the General Beverage employees, with the knowledge of Beant Singh, in the boiler room of the basement of Bunty's Liquor, LLC's premises, separate from intoxicating liquor that Bunty's Liquor, LLC had legally purchased.
- 10. That Beant Singh knew that the purchase of the liquor was illegal and concealed the liquor on the licensed premises of Bunty's Liquor, LLC behind a cardboard partition.
- That on August 23, 2016, New Berlin Police Department officers and Department of Revenue agents confiscated the illegal liquor, which consisted of 69 cases of Skyy vodka, 18.5 cases of Mr. Boston vodka, and 70 cases of Skol vodka.
- 12. That the conduct of Bunty's Liquor, LLC, by agent Beant Singh, described in the complaint and through testimony at the hearing substantially relates to the licensed activity contrary to Wisconsin Statute Sections 125.69(6)(a), 134.65(7)(a), and 943.34; Wisconsin Administrative Code, Department of Revenue Tax Section 8.21(1); and Sections 9.02(12)(d) and 9.04(7)(a)3 of the West Allis Revised Municipal Code.
- 13. That in particular, Bunty's Liquor, LLC's purchasing intoxicating liquor from a nonwholesaler, purchasing intoxicating liquor without an invoice, and receiving stolen

property is contrary to Wisconsin Statute Sections 125.69(6)(a), 134.65(7)(a), and 943.34; Wisconsin Administrative Code, Department of Revenue Tax Section 8.21(1); and Sections 9.02(12)(d) and 9.04(7)(a)3 of the West Allis Revised Municipal Code.

CONCLUSIONS OF LAW:

- That on at least three occasions, Bunty's Liquor, LLC violated the laws of the State of Wisconsin with regard to purchasing intoxicating liquor by purchasing intoxicating liquor from a person other than a wholesaler.
- That on at least three occasions, Bunty's Liquor, LLC violated the laws of the State of Wisconsin with regard to purchasing intoxicating liquor by failing to have invoices for the purchases of intoxicating liquor from the non-wholesaler.
- That on at least three occasions, Bunty's Liquor, LLC violated the laws of the State of Wisconsin by receiving stolen property.
- That due to Bunty's Liquor, LLC's actions above in paragraphs 1-3 of the Conclusions of Law, Bunty's Liquor, LLC knowingly permitted criminal activity to occur on the licensed premises.
- That Bunty's Liquor, LLC's actions above in paragraphs 1-3 of the Conclusions of Law violated the ordinances of the City of West Allis.
- 6. That the foregoing Conclusions of Law substantially relate to the licensed activity and constitute a sufficient basis to suspend the "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License and Cigarette and Tobacco Products License of Bunty's Liquor, LLC.

RECOMMENDATION:

 Therefore, the License and Health Committee recommends to the Common Council of the City of West Allis that the "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License and Cigarette and Tobacco Products License of Bunty's Liquor, LLC be suspended for 45 days.

Dated at this 20 day of M_{ARCH} , 2017.

By: Michael J. Czaplewski

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License & Health Committee West Allis Common Council

C. A verbatim record of the proceedings is being made by audio recording.

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D. You may be represented by an attorney. Assistant City Attorney Nicholas Cerwin is here as the Prosecutor and will present the case against you to the Committee.
Assistant City Attorney Jenna Merten is present and will serve as legal advisor to the Council. Ms. Merten will advise the Committee on questions of law and procedure and may also direct questions to witnesses on behalf of the Committee.

- E. You may present evidence, call and examine witnesses, and cross-examine witnesses against you. Such witnesses will be sworn.
- F. Both the Complainant and licensee shall be limited to one hour each for presentation of testimony, not including cross-examination or questions from the Committee or City Attorney representing the Committee. The Chair may extend the time for presentation of testimony to assure a full and fair hearing.
- G. Subject to a motion for consideration by the full Committee, made by a member of the Committee, I will rule upon all questions, objections and motions as to procedural matters, admissibility of evidence, and similar issues. All objections, questions and motions, should be directed to me.
- H. You may testify on your behalf with regard to the charges against you. However, what you say will be considered as evidence. Further, if you do testify, you may be cross-examined.
- I. If a charge or charges against you are proven, you are advised that the Committee may recommend to the Common Council that your licenses be suspended, revoked, or not renewed and that the Common Council may accept or reject such recommendation and may determine, upon such recommendation, whether your licenses should be suspended, revoked or not renewed.

III. The Complaint. (Summons and Complaint attached.)

A. You have been served with a Summons for this hearing and a copy of the Complaint against you, which have been filed with the Committee for a determination. I now request the Clerk to append as exhibits to the record, a copy of the Summons and Complaint, together with a copy of the Affidavit of Service.

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B. Do you admit to any of the allegations in the complaint or are there portions which are not contested?

IV. Evidence.

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A. I will now ask Mr. Cerwin to present evidence as to the charges before the

Committee.

All witnesses who testify before the Committee should be sworn. The form of oath

which should be administered to each witness by the Chairman is as follows:

"Do you solemnly swear that the testimony you shall give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?"

If the witness states that he has conscientious scruples against taking the oath, or

swearing in the usual form, administer the following:

"Do you solemnly, sincerely and truly declare and affirm that the testimony you shall give in this matter shall be the truth, the whole truth and nothing but the truth; and that you do this under the pains and penalties of perjury?")

(After each witness testifies on direct examination, permit the opposing party to

cross examine the witness, then, if desired, allow redirect and recross examination

until both sides have no further questions of each witness. The Chairman may

limit the questioning in his discretion if the questions are repetitive or irrelevant.)

B. Does any member of the Committee wish to ask questions of the witness?

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C. Does Attorney Merten wish to ask questions of the witness?

(Questions of Committee members or City Attorney may prompt either side to ask additional questions. This should be permitted, following the same procedure above.)

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- D. Does Mr. Cerwin wish to present any further evidence? (If not, proceed.)
- E. I will now ask the licensee to present its evidence.

(Follow same procedure as with the complainant's evidence, i.e., swear witness, direct examination, cross-examination, etc.)

- F. Does any member of the Committee wish to ask questions of the witness?
- G. Does the Attorney Merten have any questions of the witness?

(Permit further questions by the parties, if requested.)

H. Is there anything further?

(If nothing further, proceed.)

- I. Does the Mr. Cerwin wish to make a closing statement?
- J. Does the licensee wish to make a closing statement?
- K. Rebuttal by Mr. Cerwin.

V. Adjourn for Deliberation.

Having heard all evidence in this case, the Committee will go into closed session, pursuant to sec. 19.85(1)(a), Stats., to deliberate. Upon completion of the deliberation, the Committee will reconvene in open session and at that time announce its findings and determinations.

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VI. Announce Deliberation.

Read the basics of the decision the Committee arrived at.

Findings and recommendations to be drafted by the City Attorney.

Chapter 9. BUSINESS AND OCCUPATIONS

9.02. Alcoholic Beverages.

(20) License Suspension, Revocation or Nonrenewal. [Ord. O-2013-0014, 4/2/2013]

(a) Causes. Any license issued under this section may be suspended, revoked, or nonrenewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or not renewed for the following causes:

- 1. The making of any material false statement in any application for a license.
- The conviction of the licensee, his agent, manager, operator, or any other employee for keeping a gambling house or a house of prostitution or any felony related to the licensed operation.
- A showing that the licensee has violated any state law or City ordinance prohibiting the sale of intoxicating liquors or fermented malt beverages to underage persons or to any person who is intoxicated or bordering on intoxication.
- 4. The violation of any of the applicable provisions of Section 9.02.
- The violation of any of the excise laws of this state, or failure to provide proof that the licensee is in good standing as required by Sections 77.61(1) and 125.04(5)(a) of the Wisconsin Statutes.
- 6. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience or prosperity of the immediate neighborhood.
- 7. Failure of the licensee to operate the premises in accordance with the floor plan or plan of operation submitted pursuant to Section 9.02(4).
- 8. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholders holding twenty percent (20%) or more of the corporation's total or voting stock, or proxies for that amount of stock, or any of the offenses enumerated in Section 125.12(2)(ag) of the Wisconsin Statutes.
- 9. Any of the grounds set forth in Section 125.12(2)(ag) of the Wisconsin Statutes.
- 10. The licensee is a habitual law offender as set forth in 125.04(5)(b) of the Wisconsin Statutes.
- 11. The failure to pay any tax or forfeiture as provided in Section 1.08(a).
- 12. The City has been notified pursuant to Section 125.33(7)(b) and 125.69(4)(b) of the Wisconsin Statutes, that the licensee has failed to pay for alcohol beverages.

(b) State Law Applicable. Except as otherwise provided herein, the provisions of Section 125.12(2)(ag) to (c) and 125.12(3) of the Wisconsin Statutes, shall be applicable to proceedings for the suspension, revocation, and nonrenewal of all licenses granted under this section.

- (c) Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion, upon sworn written charges made and filed with the Clerk/Treasurer by the Chief of Police, or upon a sworn written complaint filed with the Clerk/Treasurer by any City resident.
- (d) Procedure.
- Upon receipt of a sworn complaint, either from the Chief of Police, a resident of the City, or upon directive of the Committee, the License and Health Committee shall direct the City Attorney to prepare a summons and have the summons and complaint served upon the licensee pursuant to Section 125.12(2)(ar) of the Wisconsin Statutes.
- 2. The summons and complaint shall contain: the date and time for appearance by the licensee; a statement of the Common Council's intention to suspend, revoke, or not renew the license in the event any of the allegations are found to be true; a statement of the reasons for suspension, revocation, or nonrenewal; notification to the licensee of an opportunity to be heard, respond to and challenge the reasons for suspension, revocation, or nonrenewal and to present and cross examine witnesses under oath; notification to the licensee of the right to be represented by counsel of the licensee's choice and at the licensee's expense.
- 3. If the licensee fails to appear on the date and time designated in the summons, the License and Health Committee may enter a default judgment and take the allegations of the complaint to be true. The License and Health Committee shall then deliberate on what sanction, if any, to impose consistent with Section 125.12 of the Wisconsin Statutes.
- 4. If the licensee appears before the License and Health Committee at the date and time designated in the summons and denies the material charges contained in the complaint, an evidentiary hearing shall be scheduled. If the licensee does not appear or appears but does not deny the material charges contained in the complaint, the complaint may be taken as true and the Committee shall hear the arguments of the complainant and, if applicable, the licensee in connection with whether to non-renew, revoke or suspend the license and the length of the suspension.
- 5. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
- a. The complainant shall first present evidence in support of the complaint.
- b. After the complainant rests, the licensee may present evidence in opposition to the charges.
- c. The complainant and licensee may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross examination.

d. The complainant and licensee shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.

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- e. Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
- f. At the close of testimony, the complainant and licensee shall be given a reasonable time to make arguments upon the evidence produced at hearing.
- (e) Miscellaneous Procedural Matters.
- 1. At all stages of the proceedings, the licensee shall be entitled to appear in person or by an attorney of his own expense.
- 2. If the complaint is in the name of the Committee or is brought by a City official in his/her official capacity, the complainant shall be represented by a prosecuting City Attorney.
- 3. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the prosecuting City Attorney.
- 4. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be administered and subpoenas issued upon request of either side. The Chair shall ensure that an orderly hearing is conducted in accordance with the provisions of this section. The Chair shall rule on objections to the admissibility of evidence. Any ruling of the Chair shall be final unless appealed to the Committee and a majority vote of those members present and voting reverses such ruling.
- 5. An audio recording or stenographic record shall be made of all proceedings at the hearing. Any interested party may obtain a copy of the recording or transcript at his or her own expense.
- (f) Findings and Recommendations.
- After the close of the hearing, the Committee shall deliberate and reach a decision. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk/Treasurer with a copy to the licensee and complainant. The findings and recommendations shall be distributed to each member of the Common Council.
- 2. The licensee and complainant may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk/Treasurer before the close of business on a day that is at least three (3) working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.

- (g) Common Council Action.
- Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk/Treasurer shall notify the licensee and complainant by U.S. first class mail, postage prepaid, sent to the last known address, that the Common Council will convene to determine the matter.
- 2. Unless an alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the complainant nor the licensee shall be permitted to make oral arguments.
- 3. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote. Upon an affirmative vote suspending, revoking, or not renewing the license(s), the Clerk/Treasurer shall give notice to the person whose license is affected. If the Common Council finds the complaint to be untrue or unsupported by sufficient evidence, the proceedings shall be dismissed without cost to the accused.

Exhibit

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

In the Matter of the Complaint Against

SUMMONS

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Bunty's Liquor, LLC, d/b/a Cleveland Ave. Bunty's Liquor, Beant Singh, agent.

STATE OF WISCONSIN)
) SS
COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO BEANT SINGH:

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 "A" Intoxicating Liquor License, Class "A" Fermented Malt Beverage License, and Cigarette and Tobacco Products Retail License, pursuant to the provisions of sec. 125.12, Wis. Stat. and West Allis Revised Municipal Code Sections 9.02(20) and 9.04(5).

NOW THEREFORE, you, Beant Singh, 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 December 20, 2016, at 7:15 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).

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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 1/2 day of December, 2016.

WEST ALLIS COMMON COUNCIL

By: Munica Schultz, City Clerk

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

In the Matter of the Complaint Against

COMPLAINT

Bunty's Liquor, LLC, d/b/a Cleveland Ave. Bunty's Liquor, Beant Singh, agent.

STATE OF WISCONSIN)) ss. COUNTY OF MILWAUKEE)

Martin Weigel, being duly sworn, on oath deposes and states as a complaint against Bunty's Liquor, LLC as follows:

- That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the Second Aldermanic District in the City of West Allis, and is a member of the License and Health Committee.
- That the information contained in this complaint comes from the complainant's review of official police reports maintained by the City of New Berlin Police Department, which the complainant believes to be reliable and accurate.
- 3. That Bunty's Liquor, LLC is the holder of a "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License Number 16-1351, and a Cigarette and Tobacco Products Retail License 16-1354, both issued by the West Allis Common Council for the license period beginning July 1, 2016, and ending June 30, 2017 for the premises located at 8423 W. Cleveland Avenue, West Allis, Wisconsin, and does business under the trade name "Cleveland Ave. Bunty's Liquor."
- 4. That Beant Singh is the agent of Bunty's Liquor, LLC's above-referenced license(s).

5. That on April 28th, 2016, Beant Singh signed a Renewal Alcohol Beverage License Application for Bunty's Liquor, LLC and agreed, among other things, to operate the business according to the laws of Wisconsin and laws governing retail alcohol beverage licensure.

- 6. That on August 11, 2016 the New Berlin Police Department was notified of potential thefts of significant amounts of liquor from General Beverage Sales Company, a wholesale liquor company located in New Berlin in the area of 16255 W. Stratton Drive.
- 7. That the New Berlin Police Department, in connection with the West Allis Police Department, investigated the complaint and identified at least three (now former) employees of General Beverage Sales Company who had stolen large quantities of liquor from the wholesaler and admitted to working out a deal to sell portions of that stolen liquor to Bunty's Liquor in the City of West Allis.
- 8. That on August 23, 2016, Det. Clevenstine, Sgt. Godec, Sgt. Park, Det. Majewskie, and Det. Saftig from the New Berlin Police Department, working with Department of Revenue Special Agents King and Dorn, and West Allis Detective Wroblewski went to Bunty's Liquor located at 8423 W. Cleveland Avenue in the City of West Allis regarding the suspected stolen alcohol being sold at the establishment. Special Agents and Officers conducted a license inspection of the premises and discovered a large quantity of stolen liquor located behind a cardboard partition within a closed boiler room in the basement of the building.
- 9. The owner and registered agent of Bunty's Liquor, LLC, Beant Singh arrived on the scene and admitted that he did not have any invoices related to the stolen alcohol. Beant Singh stated that he purchased the illegal cases, knew it was wrong, and concealed the cases of liquor because he knew he was not supposed to have them. Beant Singh stated that he purchased the cases of liquor because it was cheaper and that he had illegally purchased alcohol on 3-4 occasions in 2016. Beant Singh admitted that he had paid several thousand dollars for the cases of stolen liquor.

- 10. That Officer Clevenstine of the New Berlin Police department, along with other officers and agents listed above, removed the following cases of liquor from Bunty's Liquor which were associated with illegal purchases and theft from General Beverage Sales Company:
 - 69 Cases of Skyy Vodka valued at \$7,432.68.
 - 18.5 Cases of Mr. Boston Vodka- valued at \$1,077.99
 - 70 Cases of Skol Vodka- valued at \$3,570.00
- That Bunty's Liquor, LLC has violated Wis. Stat. Sections 125.69(6)(a), 134.65(7)(a), and 943.34; The Wisconsin Administrative Code, Department of Revenue Tax Section 8.21(1); and the West Allis Revised Municipal Code sections 9.02(12)(d), 9.04(7)(a)3.
- 12. That said violations and conduct substantially relates to the licensed/permitted activity and is grounds for non-renewal, suspension, or revocation of Bunty's Liquor's Class "A" Intoxicating Liquor and Class "A" Fermented Malt Beverage, License, and the Cigarette and Tobacco Products Retail License.

WHEREFORE, Martin Weigel requests that Bunty's Liquor, 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 A" Intoxicating Liquor License, Class "A" Fermented Malt Beverage License, and Cigarette and Tobacco Products Retail License should be revoked, suspended, or not renewed.

Dated this 16 day of December, 2016.

Subscribed and swo dayof this 6 Notary Public, State of Was My Commission is Perman

Bv:

Martin Weigel Alderperson for Second Aldermanic District City of West Allis

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In the Matter of the Complaint Against

NOTICE OF REVOCATION

Bunty's Liquor, LLC, d/b/a Cleveland Ave. Bunty's Liquor, Beant Singh, agent.

STATE OF WISCONSIN)) SS.COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO BEANT SINGH:

You are hereby notified that the City of West Allis Common Council has adopted the findings made by the License and Health Committee of the City of West Allis on April 4, 2017. Based on those findings, the Common Council has declined to adopt the committee's recommendation and instead has revoked the 2016-2017 "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License number 16-1351 and the 2016-2017 Cigarette and Tobacco Products Retail License number 16-1354 that were issued to Bunty's Liquor, LLC. Based upon this revocation, effective at 11:34 a.m. on April 14, 2017, no alcohol sales are permitted under license 16-1351 and no tobacco product sales are permitted under license 16-1351.

Dated at West Allis, Wisconsin, this <u>13-th</u> day of <u>April</u>, 2017.

WEST ALLIS COMMON COUNCIL

mica Sch By: Monica Schultz, City Clerk

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WEST ALLIS

City of West Allis

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Matter Summary

7525 W. Greenfield Ave. West Allis, WI 53214

File Number	Title						Current Sta	tus
2017-0172	Findings and Recom	mendation					Introduc	ed
	Liquor, LLC, d/b/a Cl located at 8423 W. Cl License, Class "A" Fe	Findings and Recommendation in the Matter of the Complaint Against Bunty's Liquor, LLC, d/b/a Cleveland Ave. Bunty's Liquor, Beant Singh, Agent, for prem located at 8423 W. Cleveland Ave (2016-2017 Class "A" Intoxicating Liquor License, Class "A" Fermented Malt Beverage License no 1351, and Cigarette and Tobacco Products License no. 1354).						
	Introduced: 4/4/2017			Controlling Bo	dy: Licen	se & Hea	lth Commit	tee
COMMITTEE RECO	MMENDATION			ACTION D	ATE:	4-	4-1-	7
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City of West Allis

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Matter Summary

7525 W. Greenfield Ave. West Allis, WI 53214

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File Number	Title	Current Status	
2016-0744	Summons and Complaint	Introduced	
	Summons and Complaint in the matter of the complaint against Bunty's Liquor LLC, 8423 W. Cleveland Ave., d/b/a Cleveland Ave. Bunty's Liquor, (2016-2017 Combination Class A Liquor License no. 1351 and Cigarette and Tobacco Products		
	License no. 1354).		

Introduced: 12/20/2016

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Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION			ACTION D	ATE:	4-4	-17	
□ Approved	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
□ Approved as amended			Barczak				
Approved subject to necessary requirements			Czaplewski	/			
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Monica Schultz City Clerk City Clerk's Office 414.302.8220 mschultz@westalliswi.gov

March 10, 2017

Attorney Jacob A. Manian Fox, O'Neill & Shannon, SC 622 N. Water St., Suite 500 Milwaukee, WI 53202

Dear Attorney Manian:

The Hearing on the complaint in the matter of Bunty's Liquor, LLC, Beant Singh, Agent, for the premises located at 8423 W. Cleveland Ave., d/b/a Cleveland Avenue Bunty's Liquor (2016-2017 Combination Class A Liquor License no. 1351 and Cigarette and Tobacco Products License no. 1354), is scheduled for Wednesday, March 15, 2017 at 6:00 P.M., in Room 128, West Allis City Hall, 7525 W. Greenfield Ave.

Enclosed is a copy of the agenda, Hearing Procedure Guide and section 9.02(20) of the Municipal Code.

Sincerely,

Monica Schultz

Monica Schultz City Clerk

/amn

enclosures

cc: Beant Singh (home address)



MonicSchultz City Clerk City Clerk's Office 414.302.8220 mschultz@westalliswi.gov

March 7, 2017

Attorney Jacob A. Manian Fox, O'Neill & Shannon, SC 622 N. Water St., Suite 500 Milwaukee, WI 53202

Dear Attorney Manian:

The Hearing on the complaint in the matter of Bunty's Liquor, LLC, Beant Singh, Agent, for the premises located at 8423 W. Cleveland Ave., d/b/a Cleveland Avenue Bunty's Liquor (2016-2017 Combination Class A Liquor License no. 1351 and Cigarette and Tobacco Products License no. 1354), is scheduled for Wednesday, March 15, 2017 at 6:00 P.M., in Room 128, West Allis City Hall, 7525 W. Greenfield Ave.

A copy of the agenda and the Hearing Procedure Guide will be sent on March 10, 2017.

Sincerely,

Monica Schultz

Monica Schultz City Clerk

/amn

cc: Beant Singh (home address) City Attorney



MonicSchultz City Clerk City Clerk's Office 414.302.8220 mschultz@westalliswi.gov

March 7, 2017

Attorney Jacob A. Manian Fox, O'Neill & Shannon, SC 622 N. Water St., Suite 500 Milwaukee, WI 53202

Dear Attorney Manian:

The Hearing on the complaint in the matter of Bunty's Liquor, LLC, Beant Singh, Agent, for the premises located at 8423 W. Cleveland Ave., d/b/a Cleveland Avenue Bunty's Liquor (2016-2017 Combination Class A Liquor License no. 1351 and Cigarette and Tobacco Products License no. 1354), is scheduled for Wednesday, March 15, 2017 at 6:00 P.M., in Room 128, West Allis City Hall, 7525 W. Greenfield Ave.

A copy of the agenda and the Hearing Procedure Guide will be sent on March 10, 2017.

Sincerely,

Monica Schulten

Monica Schultz City Clerk

/amn

cc: Beant Singh (home address) City Attorney

In the Matter of the Complaint Against

SUMMONS

Bunty's Liquor, LLC, d/b/a Cleveland Ave. Bunty's Liquor, Beant Singh, agent.

STATE OF WISCONSIN)) SS. COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO BEANT SINGH:

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 "A" Intoxicating Liquor License, Class "A" Fermented Malt Beverage License, and Cigarette and Tobacco Products Retail License, pursuant to the provisions of sec. 125.12, Wis. Stat. and West Allis Revised Municipal Code Sections 9.02(20) and 9.04(5).

NOW THEREFORE, you, Beant Singh, 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 December 20, 2016, at 7:15 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.

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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).

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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 16 day of December, 2016.

WEST ALLIS COMMON COUNCIL

By: Munic Schultz City Clark

In the Matter of the Complaint Against

COMPLAINT

Bunty's Liquor, LLC, d/b/a Cleveland Ave. Bunty's Liquor, Beant Singh, agent.

STATE OF WISCONSIN)) ss. COUNTY OF MILWAUKEE)

Martin Weigel, being duly sworn, on oath deposes and states as a complaint against Bunty's Liquor, LLC as follows:

- That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the Second Aldermanic District in the City of West Allis, and is a member of the License and Health Committee.
- That the information contained in this complaint comes from the complainant's review of official police reports maintained by the City of New Berlin Police Department, which the complainant believes to be reliable and accurate.
- 3. That Bunty's Liquor, LLC is the holder of a "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License Number 16-1351, and a Cigarette and Tobacco Products Retail License 16-1354, both issued by the West Allis Common Council for the license period beginning July 1, 2016, and ending June 30, 2017 for the premises located at 8423 W. Cleveland Avenue, West Allis, Wisconsin, and does business under the trade name "Cleveland Ave. Bunty's Liquor."
- 4. That Beant Singh is the agent of Bunty's Liquor, LLC's above-referenced license(s).

- 5. That on April 28th, 2016, Beant Singh signed a Renewal Alcohol Beverage License Application for Bunty's Liquor, LLC and agreed, among other things, to operate the business according to the laws of Wisconsin and laws governing retail alcohol beverage licensure.
- That on August 11, 2016 the New Berlin Police Department was notified of potential thefts of significant amounts of liquor from General Beverage Sales Company, a wholesale liquor company located in New Berlin in the area of 16255 W. Stratton Drive.
- 7. That the New Berlin Police Department, in connection with the West Allis Police Department, investigated the complaint and identified at least three (now former) employees of General Beverage Sales Company who had stolen large quantities of liquor from the wholesaler and admitted to working out a deal to sell portions of that stolen liquor to Bunty's Liquor in the City of West Allis.
- 8. That on August 23, 2016, Det. Clevenstine, Sgt. Godec, Sgt. Park, Det. Majewskie, and Det. Saftig from the New Berlin Police Department, working with Department of Revenue Special Agents King and Dorn, and West Allis Detective Wroblewski went to Bunty's Liquor located at 8423 W. Cleveland Avenue in the City of West Allis regarding the suspected stolen alcohol being sold at the establishment. Special Agents and Officers conducted a license inspection of the premises and discovered a large quantity of stolen liquor located behind a cardboard partition within a closed boiler room in the basement of the building.
- 9. The owner and registered agent of Bunty's Liquor, LLC, Beant Singh arrived on the scene and admitted that he did not have any invoices related to the stolen alcohol. Beant Singh stated that he purchased the illegal cases, knew it was wrong, and concealed the cases of liquor because he knew he was not supposed to have them. Beant Singh stated that he purchased the cases of liquor because it was cheaper and that he had illegally purchased alcohol on 3-4 occasions in 2016. Beant Singh admitted that he had paid several thousand dollars for the cases of stolen liquor.

- 10. That Officer Clevenstine of the New Berlin Police department, along with other officers and agents listed above, removed the following cases of liquor from Bunty's Liquor which were associated with illegal purchases and theft from General Beverage Sales Company:
 - 69 Cases of Skyy Vodka valued at \$7,432.68.
 - 18.5 Cases of Mr. Boston Vodka- valued at \$1,077.99
 - 70 Cases of Skol Vodka- valued at \$3,570.00
- That Bunty's Liquor, LLC has violated Wis. Stat. Sections 125.69(6)(a), 134.65(7)(a), and 943.34; The Wisconsin Administrative Code, Department of Revenue Tax Section 8.21(1); and the West Allis Revised Municipal Code sections 9.02(12)(d), 9.04(7)(a)3.
- 12. That said violations and conduct substantially relates to the licensed/permitted activity and is grounds for non-renewal, suspension, or revocation of Bunty's Liquor's Class "A" Intoxicating Liquor and Class "A" Fermented Malt Beverage, License, and the Cigarette and Tobacco Products Retail License.

WHEREFORE, Martin Weigel requests that Bunty's Liquor, 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 A" Intoxicating Liquor License, Class "A" Fermented Malt Beverage License, and Cigarette and Tobacco Products Retail License should be revoked, suspended, or not renewed.

Dated this //() day of December, 2016.

Subscribed and swo this dayof Notary Public, State of Was My Commission is Permanen

By: Martin Weigel

Alderperson for Second Aldermanic District City of West Allis

IN THE MATTER OF THE COMPLAINT AGAINST BUNTY'S LIQUOR, LLC, D.B.A. <u>CLEVELAND AVE. BUNTY'S LIQUOR, REGISTERED AGENT BEANT SINGH:</u> <u>CITY OF WEST ALLIS v. BUNTY'S LIQUOR, LLC</u>

State of Wisconsin)

AFFIDAVIT OF SERVICE

Milwaukee County)

officer Kyle Webster , under oath, says:

- 1. That affiant is a citizen and resident of the State of Wisconsin, over 18 years old, and is not a party nor in any manner interested in this proceeding.
- 2. That on <u>Dec. 16</u>, 2016, at <u>2000</u> o'clock a.m./p.m., at <u>\$427</u> W. Cleveland Are, affiant

served a copy of this **Summons and Complaint** on the Defendant, Bunty's Liquor, LLC, by personally delivering to and leaving a copy of same with:

a) The Agent, Beant Singh.

: SS

(Signature of person serving papers)

Subscribed and sworn to before me this 18 day of December, 2016. Peter Bornec) Notary Public, State of Wisconsin My Commission: Expires 4-1-18 AUITUNIANIA



Monica Schultz City Clerk City Clerk's Office 414.302.8220 mschultz@westalliswi.gov

March 23, 2017

Attorney Jacob A. Manian Fox, O'Neill & Shannon, SC 622 N. Water St., Suite 500 Milwaukee, WI 53202

Re: Findings of Fact, Conclusions of Law, and Recommendation of the License & Health Committee for Bunty's Liquor, LLC

Dear Attorney Manian:

Enclosed please find a copy of the proposed Findings of Fact, Conclusion of Law, and Recommendation in the matter of the complaint against Bunty's Liquor, LLC, d/b/a Cleveland Avenue Bunty's Liquor, for the premises located at 8423 W. Cleveland Ave. The License & Health Committee recommended that the "Class A" Intoxicating Liquor License, Class "A" Fermented Malt Beverage License, and Cigarette and Tobacco Products License of Bunty's Liquor, LLC be suspended for forty five (45) days. These findings and recommendation will be submitted to the Common Council for action at their April 4, 2017 meeting.

You have until 5:00 pm, March 30, 2017, to file with the City Clerk a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law, pursuant to section 9.02(20)(f)(2) of the West Allis Revised Municipal Code.

Please feel free to contact me should you have any questions in this regard.

Sincerely,

Munica Schultz

Monica Schultz City Clerk

/amn enclosure

cc: Beant Singh Chairman, License & Health Committee City Attorney Police Chief

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In the Matter of the Complaint Against

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

Bunty's Liquor, LLC d/b/a Cleveland Ave. Bunty's Liquor, Beant Singh, agent

STATE OF WISCONSIN)) ss. COUNTY OF MILWAUKEE)

Upon deliberation and consideration of the complaint presented at the License and Health Committee meeting held on March 15, 2017, the Committee finds:

FINDINGS OF FACT:

- That Bunty's Liquor, LLC, by agent Beant Singh, was properly served a copy of the summons and complaint, pursuant to Wis. Stat. § 125.12(2)(ar) and West Allis Revised Municipal Code Section 9.02(20)(d)1.
- 2. That Bunty's Liquor, LLC, is the holder of "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License Number 16-1351 and Cigarette and Tobacco Products License Number 16-1354, both issued by the West Allis Common Council for the license period beginning July 1, 2016, and ending June 30, 2017 for the premises located at 8423 West Cleveland Avenue, West Allis, Wisconsin, and does business under the trade name "Cleveland Ave. Bunty's Liquor."
- 3. That Beant Singh is the agent of Bunty's Liquor, LLC's above-referenced licenses.
- 4. That Bunty's Liquor, LLC, by agent Beant Singh, admitted to paragraphs 3, 4, and 5 of the complaint and violating Wis. Stat. Sec. 125.69(6)(a); and, thus, those allegations are considered to be true.

 That Beant Singh purchased intoxicating liquor from approximately three General Beverage employees on three to four occasions in 2016.

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- That the New Berlin Police Department's investigation revealed that this intoxicating liquor had been stolen from General Beverage Company.
- That when Beant Singh purchased the intoxicating liquor from the General Beverage employees, they were not wearing their General Beverage uniforms and were not driving a General Beverage truck.
- 8. That the purchase of this alcohol was not from a wholesaler, was in cash and significantly cheaper than the wholesale price, and that Beant Singh never received any invoices from the purchase of this intoxicating liquor.
- 9. That the aforementioned liquor was stored by the General Beverage employees, with the knowledge of Beant Singh, in the boiler room of the basement of Bunty's Liquor, LLC's premises, separate from intoxicating liquor that Bunty's Liquor, LLC had legally purchased.
- 10. That Beant Singh knew that the purchase of the liquor was illegal and concealed the liquor on the licensed premises of Bunty's Liquor, LLC behind a cardboard partition.
- That on August 23, 2016, New Berlin Police Department officers and Department of Revenue agents confiscated the illegal liquor, which consisted of 69 cases of Skyy vodka, 18.5 cases of Mr. Boston vodka, and 70 cases of Skol vodka.
- 12. That the conduct of Bunty's Liquor, LLC, by agent Beant Singh, described in the complaint and through testimony at the hearing substantially relates to the licensed activity contrary to Wisconsin Statute Sections 125.69(6)(a), 134.65(7)(a), and 943.34; Wisconsin Administrative Code, Department of Revenue Tax Section 8.21(1); and Sections 9.02(12)(d) and 9.04(7)(a)3 of the West Allis Revised Municipal Code.
- 13. That in particular, Bunty's Liquor, LLC's purchasing intoxicating liquor from a nonwholesaler, purchasing intoxicating liquor without an invoice, and receiving stolen

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property is contrary to Wisconsin Statute Sections 125.69(6)(a), 134.65(7)(a), and 943.34; Wisconsin Administrative Code, Department of Revenue Tax Section 8.21(1); and Sections 9.02(12)(d) and 9.04(7)(a)3 of the West Allis Revised Municipal Code.

CONCLUSIONS OF LAW:

- That on at least three occasions, Bunty's Liquor, LLC violated the laws of the State of Wisconsin with regard to purchasing intoxicating liquor by purchasing intoxicating liquor from a person other than a wholesaler.
- That on at least three occasions, Bunty's Liquor, LLC violated the laws of the State of Wisconsin with regard to purchasing intoxicating liquor by failing to have invoices for the purchases of intoxicating liquor from the non-wholesaler.
- That on at least three occasions, Bunty's Liquor, LLC violated the laws of the State of Wisconsin by receiving stolen property.
- That due to Bunty's Liquor, LLC's actions above in paragraphs 1-3 of the Conclusions of Law, Bunty's Liquor, LLC knowingly permitted criminal activity to occur on the licensed premises.
- That Bunty's Liquor, LLC's actions above in paragraphs 1-3 of the Conclusions of Law violated the ordinances of the City of West Allis.
- 6. That the foregoing Conclusions of Law substantially relate to the licensed activity and constitute a sufficient basis to suspend the "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License and Cigarette and Tobacco Products License of Bunty's Liquor, LLC.

RECOMMENDATION:

 Therefore, the License and Health Committee recommends to the Common Council of the City of West Allis that the "Class A" Intoxicating Liquor and Class "A" Fermented Malt

Beverage License and Cigarette and Tobacco Products License of Bunty's Liquor, LLC be suspended for 45 days.

Dated at this <u>20</u> day of <u>March</u>, 2017.

By: Michael J. Czaplewski

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Michael J. Czaplewski License & Health Committee West Allis Common Council

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In the Matter of the Complaint Against

NOTICE OF REVOCATION

Bunty's Liquor, LLC, d/b/a Cleveland Ave. Bunty's Liquor, Beant Singh, agent.

STATE OF WISCONSIN)) SS. COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO BEANT SINGH:

You are hereby notified that the City of West Allis Common Council has adopted the findings made by the License and Health Committee of the City of West Allis on April 4, 2017. Based on those findings, the Common Council has declined to adopt the committee's recommendation and instead has revoked the 2016-2017 "Class A" Intoxicating Liquor and Class "A" Fermented Malt Beverage License number 16-1351 and the 2016-2017 Cigarette and Tobacco Products Retail License number 16-1354 that were issued to Bunty's Liquor, LLC. Based upon this revocation, effective at 11:34 a.m. on April 14, 2017, no alcohol sales are permitted under license 16-1351 and no tobacco product sales are permitted under license 16-1351.

Dated at West Allis, Wisconsin, this <u>13-th</u> day of <u>April</u>, 2017.

WEST ALLIS COMMON COUNCIL

Minica Schultz Monica Schultz, City Clerk By:



IN THE MATTER OF THE COMPLAINT AGAINST BUNTY'S LIQUOR, LLC, D.B.A. <u>CLEVELAND AVE. BUNTY'S LIQUOR, REGISTERED AGENT BEANT SINGH:</u> <u>CITY OF WEST ALLIS v. BUNTY'S LIQUOR, LLC</u>

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State	of Wisconsin)				
	: ss	AFFIDAVIT OF SERV	ICE		
Milw	aukee County)				
	A. Nicmuth		, under	oath, sa	ays:
1.	That affiant is a citizen and resind not a party nor in any manner in			ears old	, and is
2.	That on <u>$4/13/17$</u> a.m./ p.m., at <u>20400</u> <u>Blook</u> <u>Park</u> served a copy of this <u>NOTICE</u> LLC, by personally delivering t	<u>,</u> 2017, at <u>,</u> <u>DF. to wife of</u> <u>OF REVOCATION</u> on to and leaving a copy of s	Becat Sitte Defendant, I the Defendant, I came with:	o'clo 75/h Bunty's	ock _, affiant Liquor,
	a) The Agent, Beant Sir	ıgh.			

(Signature of person serving papers)

Subscribed and sworn to before me this <u>|3</u> day of <u>Aprel</u>, 2017.

Simising men (Magan Primising))

Notary Public, State of Wisconsin My Commission: 07-13-2020

