

49
44



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Matter Summary

File Number	Title	Current Status
2014-0666	Report	Introduced

Police Department Report involving Jonny Hammers, 6300 W. Lincoln Ave. (2014-2015 Class B Tavern License no. 1415, Dance Hall License no. 1417 and Instrumental Music License no. 1418, of Jonny Hammers, LLC, Jon Robert Cervantes, Agent, Incident Date: September 8, 2014).

Introduced: 10/21/2014

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
NOV 03 2014	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Haass	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic				
	<input type="checkbox"/>	<input type="checkbox"/>	May				
	<input type="checkbox"/>	<input type="checkbox"/>	Probst				
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke				
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale				
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
			TOTAL	5	0		1

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
NOV 03 2014	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Haass	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	May	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Probst	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
			TOTAL	10			

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

ADMINISTRATION & FINANCE

Chair: Vincent Vitale
Vice-Chair: Kevin Haass
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
Kevin Haass
Martin J. Weigel

ADVISORY

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



**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 09-08-14
To: Lieutenant Johnson
From: PTO M. Primising

Violation Type

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

Incident #: 14-007984 N/A

Location: 6300 W. Lincoln Ave. N/A

Establishment Name: Johnny Hammer's N/A

Establishment License #: 1415 N/A

Establishment Owner: Jon Robert Cervantes, M/W 09-17-59 N/A

Owner Address: W181S6429 Lentini Dr, Muskego, WI 53150 N/A

Violation(s): N/A N/A

Offender: Arnezeder, Mark M. M/W 10-23-63 N/A

Offender Address: 2855 S. 60 St., Milwaukee, WI 53219 N/A

Offender: N/A

Offender Address: N/A

Offender: N/A

Offender Address: N/A

Offender: N/A

Offender Address: N/A

Additional Offenders listed: No

Reviewed by Commanding Officer:

Copy of Incident Report:

Commanding Officer:

Report: Yes N/A

Jonny Hammers
6300 W. Lincoln Ave.
CBT 1415
DIT 1417
Im 1418
Jonny Hammers, LLC
Jon Robert Cervantes,
Agent

Reviewed by Deputy Chief Chris Botsch:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Incident:

OWI/DWI-Liquor

Incident Report Number:

14-007984

Between: Date - Time

And/At: Date-Time

9/8/14

18:57

Incident Location:

6300 W Lincoln Ave;WA, West Allis, WI, 53219

CFS Code-1:

5404

CFS Code-2:

5311

CFS Code-3:

Offense Code-4:

CFS Code-5:

CFS Code-6:

CFS Code-7:

CFS Code-8:

Name (Last, First, Middle)

Arnezeder, Mark Michael

DOB:

10/23/1963

Race/Sex

W/M

Address: (Address, City, State, Zip)

2855 S 60 ST, Milwaukee, WI, 53219

Home Phone Number

Employer

Work Phone Number

Employer Address

Cell Phone Number

(414) 750-2621

Name (Last, First, Middle)

Jonny Hammers,

DOB:

Race/Sex

Address: (Address, City, State, Zip)

6300 W Lincoln Ave, West Allis, WI, 53219

Home Phone Number

Employer

Work Phone Number

(414) 541-3188

Employer Address

Cell Phone Number

SUMMARY

Ofc. Primising reports:

On 09-08-14 at 1857hrs, officers responded to Johnny Hammer's, 6300 W. Lincoln Ave, for a report of an intoxicated driver attempting to leave in his vehicle, lic#616MRC. Contact was made with this vehicle and upon activating my emergency lights and exiting my vehicle, the driver turned around in his seat, looked at my squad, and began to pull away. The driver struck the parked vehicle in front of him and officers got him to stop. The driver was identified by DL as Mark M. Arnezeder, M/W 10-23-63. Arnezeder was ultimately arrested for OWI-1st offense, as his last conviction was in 2003. Arnezeder was conveyed to AWAMC for medical attention and admitted overnight. Arnezeder refused to give a Blood Sample. All paperwork was completed on scene and Arnezeder was booked out of custody and ordered in on 09-09-14 for booking.

Vehicle Information: (Year, Make, Model, Style, Color)

License Number:

State:

Expiration Year:

Vin:

Insurance Company:

Other Vehicle Information:

NCIC#

Reporting Officer(s):

Primising, Megan

Payroll Number:

9872

Payroll Number:

Report Date:

Time Received:

18:57:49

Time Cleared:

22:43:56

Unit(s) Assigned:

206. 210. 215. 218

Pages:

1 Of 7

Reviewed by:

Evenson, Chad

Payroll Number

1870

Copy To

Date:

09/08/2014

CFS Code-1: 5404

Incident Report Number:

14-007984

West Allis Police Department**Continuation**Incident Report Number
14-007984Incident Location:
6300 W Lincoln Ave;WA, West Allis, WI, 53219Incident Date:
09/08/2014**NAMES****Witness**

Langdon, Daniel Edward W/M-55
 of 4720 W Beloit Rd
 Milwaukee, WI, 53214
 DOB: 11/21/1958
 Cell Phone: (414) 581-7019

NARRATIVE**REPORTING OFFICER:** Ofc. Primising**INITIAL CALL**

On 09-08-14 at 1857hrs, officers responded to **Johnny Hammer's**, 6300 W. Lincoln Ave, for a report of an intoxicated driver attempting to leave in his vehicle described as a green Bonneville, lic#616-MRC. A witness at the bar, **Daniel E. Langdon, M/W 11-21-58**, was the caller on this incident and advised the vehicle / driver were still on scene, in the 2200blk of S. 63 St.

VEHICLE IN MOTION

Ofc. Stikl and I arrived on scene at the same time and immediately observed the vehicle in question, parked on the east side of S. 63 St., parked just north of W. Lincoln Ave. I pulled up in my fully marked City of West Allis police squad car, directly behind the suspect vehicle and activated my emergency lights. At the time I observed the vehicle, it was clearly running, with one large M/W driver and the reverse lights on. Upon exiting my vehicle, I observed the male driver turn around in his seat and look at my squad car with the emergency lights activated and quickly put his vehicle in drive and accelerate, attempting to drive forward.

The driver did not cut the turn enough to the left and ended up rear ending the parked vehicle in front of him, which belonged to the complainant, Langdon. Officers approached the vehicle, ordering the driver to stop, numerous times. The driver eventually complied and shut off the vehicle, handing the keys to me out of the open window.

PERSONAL CONTACTReporting Officer(s):
Primising, MeganID Number
9872

ID Number

Pages:
2 Of 7

West Allis Police Department**Continuation**Incident Report Number
14-007984Incident Location:
6300 W Lincoln Ave;WA, West Allis, WI, 53219Incident Date:
09/08/2014

At this time through the open window, I asked the driver, later identified as **Mark M. Arnezeder, M/W 10-23-63**, for his driver's license. Arnezeder ignored my questions and attempted to exit the vehicle numerous times, before complying with my request. Due to Arnezeder initially attempting to flee from the scene, I felt it safest for him to remain in the vehicle until another officer arrived. Each time Arnezeder attempted to open his door, I had to force the door closed, telling him to remain seated in his vehicle. Arnezeder eventually produced a wallet and fumbled through it several times, without finding his driver's license. I asked him for the wallet numerous times, before he handed it to me. I was able to retrieve a WI photo ID card from his wallet, positively identifying him. At this time, I was able to observe an empty plastic bottle of Skol Vodka lying in the center console.

When asked if he had been drinking, Arnezeder initially stated he had not been drinking. I was able to detect a moderate odor of intoxicants emitting from his breath, and that his eyes were very red and glassy. Arnezeder's speech was so heavily slurred, that he was almost impossible to understand. Arnezeder's movements were slow, exaggerated and very lethargic. I again asked Arnezeder how much he had been drinking and he stated, "a few." Arnezeder either ignored any further questions, or answered them inappropriately or made statements completely off topic. Arnezeder denied being injured, ill, or suffering from any medical ailments. Sgt. Pasdera arrived on scene at this time, and Arnezeder was asked to perform SFSTs, to which he agreed.

Upon exiting the vehicle, Arnezeder was clearly unsteady on his feet and had to use his left side to support himself against the vehicle, so he did not lose his balance and fall. To assist Arnezeder to the curb safely, I held on to his right arm and Ofc. Stikl held his left arm. Despite our guidance, Arnezeder nearly tripped on the curb and then walked into a fire hydrant. Once on the curb, I released my grasp on his arm; however, Arnezeder was swaying back and forth, causing Ofc. Stikl to stay close in the event of him losing his balance.

PRE-ARREST SCREENING**Horizontal Gaze Nystagmus**

Prior to starting HGN, I faced Arnezeder away from my emergency lights. Arnezeder was not wearing glasses. Arnezeder was asked if he could see my pen and was instructed to touch the tip of my pen. I instructed Arnezeder to follow the tip of my pen with his eyes-only and not to move his head. Arnezeder stated that he understood my directions.

I checked for equal pupil size and equal tracking, a lack of smooth pursuit, distinct sustained nystagmus at maximum deviation and an onset of nystagmus, prior to a 45-degree angle. I checked each eye twice for each clue, starting with the left eye. I also checked for vertical nystagmus.

Reporting Officer(s):
Primising, MeganID Number
9872

ID Number

Pages:

3 Of 7

West Allis Police Department

Continuation

Incident Report Number 14-007984	Incident Location: 6300 W Lincoln Ave;WA, West Allis, WI, 53219	Incident Date: 09/08/2014
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Results: When asked to touch the tip of my pen, Arnezeder very slowly attempted to touch the pen and ended up stopping approx. two inches before actually touching the pen, realized he had not touched it, then quickly over corrected, eventually touching the middle area of the pen. Arnezeder stated he understood my directions for the test; however, he had to be reminded not to move his head several times and to follow the tip of my pen with his eyes. Throughout the test, Arnezeder was swaying in a circular motion and had difficulty remaining balanced, although he was standing stationary.

I was able to observe lack of smooth pursuit, distinct sustained nystagmus at maximum deviation and an onset of nystagmus prior to a 45-degree angle in both eyes, as well as vertical nystagmus.

Arnezeder exhibited ~~six~~ clues or indicators of a possible total of six clues or indicators a person who may be intoxicated by alcohol or drugs may exhibit.

WALK AND TURN

I placed Arnezeder in the instructional stance by having Arnezeder place his left foot on an imaginary straight line with the right foot in front, heel to toe. I told Arnezeder to keep his arms at his side and maintain that position until I told him to begin the test. I gave Arnezeder a complete set of instructions and a demonstration of the test. Arnezeder stated he understood my directions.

Results: Arnezeder could not get himself into the instructional stance, despite officers attempting to assist him numerous times. He therefore was not able to remain in the stance for the duration of the instructions, as he was constantly losing his balance. Arnezeder attempted to start the test too soon on two occasions. The first time, Arnezeder was walking forward with such force that officers had to pull him / push him back, to avoid him walking right into me as I was still demonstrating the test. The second time, Arnezeder started too soon, he stumbled off to the right, causing officers to catch him so he did not fall.

Once he was instructed to begin, Arnezeder took seven steps, missing the heel to toe connection by at least three inches between each step, and stepping off-line on each step. Arnezeder was walking with his feet more side by side than in a straight line, as demonstrated. Throughout the test, Arnezeder raised his arms for balance, so that they were away from his sides by at least six inches. After taking seven steps in the first set of nine steps, Arnezeder stopped walking and looked at me, as if for instructions. I asked Arnezeder if he felt that he had completed the test. Arnezeder stated, "See, I can't do it." I then asked Arnezeder if he wished to complete the test. Arnezeder then performed an improper turn, before stumbling to a stop again. When again asked if he felt he had completed the test, he indicated he had.

Arnezeder exhibited ~~eight~~ clues or indicators of a possible total of eight clues

Reporting Officer(s): Primising, Megan	ID Number 9872	ID Number	Pages: 4 Of 7
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West Allis Police Department**Continuation**Incident Report Number
14-007984Incident Location:
6300 W Lincoln Ave;WA, West Allis, WI, 53219Incident Date:
09/08/2014

or indicators a person who may be intoxicated by alcohol or drugs may exhibit.

ONE LEG STAND

I gave Arnezeder a complete set of instructions and a demonstration of the test. Arnezeder stated he understood my directions.

Results: Arnezeder chose to lift his right foot for this test; however, instead of lifting his foot, he placed it out in front of him, fully on the ground, approx. three to four inches in front of his left foot, out to the side. Arnezeder counted to one, before losing his balance. Arnezeder was placed back in the instructional stance and explained the test again, to ensure he understood that his foot needed to be raised off of the ground. Arnezeder stated he understood and attempted the test again. He chose his right foot a second time, but still placed it in the same position on the ground in front of him. On this attempt, Arnezeder counted to two, before losing his balance. Arnezeder had his arms raised throughout the test for balance. For Arnezeder's safety, officers determined it was too unsafe for him to continue to attempt the test, as he was unable to keep his balance.

Arnezeder exhibited three clues or indicators of a possible total of 4 clues or indicators a person who may be intoxicated by alcohol or drugs may exhibit.

ARREST DECISION

Based on Arnezeder's driving behavior, his red and glassy eyes, the odor of intoxicants emitting from his breath, his admission to consuming alcohol, his poor performance on the SFSTs, and my training and experience, it was determined that Arnezeder was operating a motor vehicle while under the influence of an intoxicant.

Arnezeder was handcuffed, searched and conveyed to Aurora West Allis Medical Center, by WAFD MED Unit, for a blood draw.

OTHER OCCUPANTS IN VEHICLE/DISPOSITION

There were no other occupants in the vehicle.

VEHICLE SEARCH

Arnezeder's vehicle was searched incident to arrest. In plain view, the Skol bottle was observed, as well as some prescription medications, and Diabetic testing equipment. The medications were each in bottles with Arnezeder's information on them and appeared to be accurate / accounted for. The medications were as follows: Alprazdam 1mg tab, Quetiapine 50mg, Fluoxetine 40mg, and Combivent Respimat 20mcg/100mcg. In speaking with paramedics, these medications are for Asthma, COPD, Hypertension and Diabetes. All of these conditions were

Reporting Officer(s):
Primising, MeganID Number
9872

ID Number

Pages:
5 Of 7

West Allis Police Department

Continuation

Incident Report Number
14-007984

Incident Location:
6300 W Lincoln Ave;WA, West Allis, WI, 53219

Incident Date:
09/08/2014

confirmed with Arnezeder. WAFD responded to check Arnezeder's blood sugar and reported it was within normal range at 96.

VEHICLE & KEYS DISPOSITION

The ignition key for the vehicle remained inside, as N&S Towing took custody of the vehicle incident to Arnezeder's OWI arrest. The remaining keys were turned over to Arnezeder along with the rest of his property.

DWI PROCESS

CITATION ISSUANCE

While at AWAMC, Arnezeder was issued citation #R109862-4 for OWI-1st offense. Arnezeder's last and only prior OWI conviction was 08-13-03, making this a first offense.

INFORMING THE ACCUSED

I read the Informing the Accused for to the defendant and Arnezeder stated that he would not submit to a blood test.

QUESTIONING

While at AWAMC, on 09-08-14 at approximately 2030hrs., I read Arnezeder the Pre-Interrogation Warnings as they are written on the Alcohol/Drug Influence Report form. Arnezeder stated he refused to answer questions, concerning this arrest and did not sign the Alcohol/Drug Influence Report form.

DISORDERLY CONDUCT

While being treated for his breathing condition at AWAMC, Arnezeder was extremely combative with the staff, swearing at them and causing a scene. At several points, Arnezeder needed to be restrained so he did not harm any of the staff. Arnezeder attempted to kick Ofc. Stikl in the face, causing him to be placed in soft restraints. The constant yelling, swearing at officers and hospital staff, and physical struggles that occurred due to Arnezeder's behavior caused a disturbance in the ER and drew the attention of not only other patients, but other hospital staff. Officers had to remain with Arnezeder until he was admitted, due to his disorderly and aggressive behavior.

CASE DISPOSITION

Report was reviewed and approved by Sgt. Pasdera.

Reporting Officer(s):
Primising, Megan

ID Number
9872

ID Number

Pages:
6 Of 7

West Allis Police Department**Continuation**

Incident Report Number

14-007984

Incident Location:

6300 W Lincoln Ave;WA, West Allis, WI, 53219

Incident Date:

09/08/2014

Arnezeder was ordered to the West Allis Municipal Court on 10-20-14 at 0830hrs, as DOT records reveal that this is Arnezeder's first offense for DWI.

In addition, Arnezeder was also given a notice to appear for a hearing into the matter of his refusal to submit to a chemical test on 09-15-14.

Arnezeder was given a business card for N&S Towing, as to make arrangements for picking up his vehicle at a later date.

OFFENDERS RELEASE

On 09-08-14 at approximately 2245hrs., Arnezeder was released to the care and supervision of AWAMC, as he needed to be admitted for medical reasons. All paperwork was provided to Arnezeder and explained to him on scene. Arnezeder was ordered in for completion of the booking process on 09-09-14 at 1700hrs, for which he appeared and the process was completed.

Reporting Officer(s):

Primising, Megan

ID Number

9872

ID Number

Pages:

7 Of 7

West Allis Police Department

Supplementary Report

Incident Report Number 14-007984	Incident Location: 6300 W Lincoln Ave;WA, West Allis, WI, 53219	Incident Date: 09/08/2014
New Incident:	Original CFS Code - 1: 5404	New CFS Code - 1 : New CFS Code - 2:

NAMES

Victim

Langdon, Daniel Edward W/M-55
of 4720 W Beloit Rd
Milwaukee, WI, 53214
DOB: 11/21/1958
Cell Phone: (414) 581-7019

NARRATIVE

Pto Stikl reports

STATEMENT OF CALLER- DANIEL E LANGDON

At approximately 1830hrs, Daniel was sitting in the bar Johnny Hammers, 6300 W Lincoln Ave, when he observed Mark Arnezeder drive up in a green sedan, WI LP 616MRC, near the intersection of W Lincoln Ave/S 63 St. Mark turned N/B onto S 63 St and parked behind Daniel's vehicle, 208567, in the 2200blk of S 63 St facing N/B. He explained once Mark placed the vehicle in park, he opened the door and attempted to exit the vehicle.

Mark was unable to exit and sat in his vehicle for approximately ten minutes. During that time, Daniel said Mark was slumped over the wheel passed out. Mark then woke up, exited the vehicle and proceeded across the street to Johnny Hammers. Daniel stated Mark stumbled multiple times when walking towards the bar.

Mark entered the bar and asked to be served alcohol. The bartender refused Mark service because he was already highly intoxicated and asked him to leave. Mark continued to ask for service for approximately ten minutes but was denied each time. Mark became upset and exited the bar.

Daniel explained Mark stumbled multiple times when walking across the street towards his vehicle. Once Mark reached his vehicle, he fumbled his keys and dropped them on the ground. Mark picked up his keys and dropped them again in an attempt to unlock his door. Mark picked his keys up again and entered his vehicle.

Daniel stated he called 911 because he felt Mark was too intoxicated to

Reporting Officer(s): Stikl, Adam	Payroll Number: 2557	Payroll Number:	Report Date: 09/08/2014
Reviewed by: Cato, James	Payroll Number: 9469	Copy To:	

West Allis Police Department

Continuation

Incident Report Number 14-007984	Incident Location: 6300 W Lincoln Ave;WA, West Allis, WI, 53219	Incident Date: 09/08/2014
-------------------------------------	--	------------------------------

operate a motor vehicle safely.

Daniel explained he observed Mark start the engine and attempt to drive off when he observed officers behind his vehicle. In an attempt to drive off, Mark struck Daniel's truck.

END OF SUPPLEMENT

Reporting Officer(s): Stikl, Adam	ID Number 2557	ID Number	Pages: 2 Of 2
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