



Jonathan and Nikkita Melcher 9505 S. Ryan Green Ct. Franklin, WI 53132

November 16, 2017

Subject:

Decision by City of West Allis Administrative Appeals Review Board (AARB) in regard to the Appeal of the Prohibited Dangerous Dog Order for Jonathan and Nikkita Melcher formerly of 2250 S. 69 St.

Dear Mr. and Ms. Melcher:

This letter is to formally notify you of the determination made by the City of West Allis Administrative Appeals Review Board (AARB) from its meeting on October 30, 2017 regarding your appeal.

At the meeting, the Board decided unanimously to rescind the Prohibited Dangerous Dog Order for your dog, Blitz, with the direction of muzzling when the dog is taken to training.

Thank you for the time you took in making your appeal and attending the meeting. If you have any questions, or need further information or clarification, please feel free to contact me.

Sincerely,

Monica Schultz

City Clerk

Enclosure

cc: Mayor Devine

Health Commissioner

Marier Schulte

City Attorney Police Department

JUL 1,9 2017
CITY OF WEST ALLIS
CITY CLERK

To whom it may concern,

Blitz (our dog) is extremely important to my wife Nikkita and I for many reasons. I fell in love with German Shepherd dogs after my first of two deployments to Afghanistan while I was in the US Army. I admired their loyalty, and sense of duty as a dog breed while working for us. After my deployment I moved in with my wife and proposed to her. One week after we got married we bought Blitz, and we were instantly in love with his personality. We raised him together, and we were doing everything we could to teach him to be a good dog. We never left his side, and he never left ours until I was called to deploy again leaving my new wife with my new dog. For eight months Blitz was my wife's only friend and companion while I was in Afghanistan yet again, and when I returned he jumped and barked with joy. I eventually left the Army and joined the Wisconsin National Guard to continue my education at UW Milwaukee. We lived in Franklin for a couple of years, but our rent climbed, and my wife had an accident making it too expensive to live there. We reluctantly moved into my parents after swallowing my pride. Quickly Blitz made this new house his home, and in the regular German Shepherd fashion he quickly learned his new pack (family) members.

My wife and I needed to get out together and took a vacation to North Carolina where I used to be stationed. We debated bringing Blitz with us, putting him in a kennel, or leaving him in my parents care. I asked my parents what we should do with him, and my parents assured us he would be in good care with them so we did. It's important to note that Blitz had lived with us in apartments up to this point, and we rarely had other people over to our place. On my niece's birthday there was a total of 11 people and another female dog in our small home, so I imagine Blitz was very anxious. My mother put both dogs upstairs in my brother's apartment because my niece is autistic and freaks out around dogs. My nephew came upstairs to play a game and was unaware the dogs were up there. My nephew made it halfway down the hallway and surprised Blitz, and Blitz proceeded to bite him. I don't believe my dog is vicious or dangerous I think he reacted poorly to a crazy new environment while we weren't even there

to prevent it. In hindsight we would have taken the dog with us like we had on many other trips.

Under the dangerous dog order we are forced to comply to Blitz is supposed to be out of the city by the 23rd of July or we would be fined \$1000 a day. We believe this level of order is unnecessary. We are currently looking to move to Franklin in mid august anyways, but under these conditions we don't have enough time to move. We would gladly follow the other orders on the list such as muzzling, short leash, and any other criteria. If we can't find a place outside of the city to move my wife plans on quitting her brand new job and taking Blitz to live with her, and her parents in Alaska while I stay here to go to school. We have already been split up enough because of my time on active duty and deployed. Putting our beloved dog down is not an option to us because he means too much to us. This all seems very unnecessary considering we weren't even home when the event happened. What I am asking is to be able to stay in the city while we search for a new home with our dog. As I stated earlier we will happily comply to the other orders on the list, even though we don't see them as entirely necessary either. He is a good dog overall, and just made a stupid mistake. My nephew was bit, and neither him nor his parents want the dog or us punished for this incident. My nephew is now healed perfectly fine only shortly after the incident. We also plan on taking Blitz to rehabilitation training to prevent this from ever happening again. I ask for your mercy, and I pray that my wife and I won't have to be apart again over something so trivial.

Thank you for your time,

Jonathan and Nikkita Melcher

ORDER PROHIBITED DANGEROUS DOG

Date: $Q = J = 1 - 1/$
Owner's Name(s): Jonathan Milcher
Address: 2250 5, 69 51
Address:
Name of Dog: Bitz
Description of Dog: 4 yr old German Shopard
Pursuant to West Allis Revised Municipal Code Section 7.126, your dog, described above, is hereby declared to be a prohibited dangerous dog .
Within 30 days of the date of this order, you must comply with the requirement of 7.126(6)(a) in that your dog must be PERMANENTLY removed from the city (see back of sheet). A West Allis police officer will conduct a follow-up investigation to ensure compliance.
If you wish to contest this order or any of the requirements of 7.126(6), you must file an appea pursuant to the provisions of Section 7.126(5)(b).
If you have questions about this order, please contact Assistant City Attorney Jenna Merten at (414) 302-8450.
Signature: Sufficer / Department (V15.4 1911.5 17) Name of Officer / Department
Service: (check one) in-person mail
If in person, complete the following:
Date/Time: 6-24-17 Name of person served: 6+0/94 Melcher
Name of person served: 6+0 igh Melchar
Location: 2250 5 69 5t.

West Allis Health Department Rabies Ouarantine Order



	in anome of def	
Animal Owner's Name: Jonathan Mel	her Public Health	
Animal Owner's Address 2250 5 69 5	West Alia Mealth Bepartment	
Animal Owner's Telephone Number: 162-822-		
Name of Animal: Type o	of Pet: Dog Cat Other (List)	
Date Bite Occurred: 6-23-17 Was a person by	itten (Y) N Did the Bite Break the Skin (Y) N	
Date of Animal's Rabies Vaccination: 2014 17418	og/Cat License Tag Number: 27324	
Per the Revised Municipal Code of the City of West Allis 7.15 the indicated address is hereby ordered confined, under the co rabies exposure. This animal has bitten or otherwise potentially expos a minimum of 10 days from the date of the incident Proof of valid rabies vaccination provided. I Proof of valid rabies vaccination is NOT pro MADACC Local Veterinarian Clinic: Animal owner is responsible for all costs as: This animal has bitten or otherwise potentially expos	2(5) the animal identified above and owned/harbored by you onditions defined below, for purposes of quarantine for possible seed a person or other animal to rabies virus and is quarantine it. In home quarantine ordered. See Quarantine conditions below ovided. Animal is ordered to be impounded at: sociated with quarantine/impoundment of the animal. seed a person or other animal to rabies virus AND is exhibiting and to be euthanized for rabies testing. Animal owner is	ole ed for v.
Quarantine conditions:	_	
The animal must be seen by a veterinarian within 24 must be submitted to the West Allis Health Departm	4 hours for a health clearance. A copy of the veterinarian's re	port
The animal must be confined at all times in an enclo	osed space that prevents contact with people other pets, and a	wild
At no time may the animal be removed from the pre	oses of toileting and must be kept on a leash. It is a permission of the West Allis Hear	
If at any time during the quarantine period the anima West Allis Health Department must be notified imm	ken to a vet. Immediately notify the Health Department. al becomes ill, shows signs of abnormal behavior, or dies, the	.
The Health Commissioner may authorize, at any time	ne that the animal be euthanized for purposes of laboratory tes	stine
ioi laules.	vaccinated after the quarantine period, prior to being released	
If the animal does not have a valid Milwaukee Coun	nty Animal License the owner must obtain the license and sub	mit
proof of license to the West Allis Health Departmen	nt. oon completion of the prescribed requirements and by written	
l understand and agree to abide by the conditions under which or custodian, is to be quarantined. I understand that violation negligence, is punishable under the Revised Municipal Code fo	Of the conditions of this quarantine order whether have little	ner n or
Animal owner name (print)	Maryn Milw 6-24-17 Animal owner signature Date	
Serving official name (print)	Serving official signature Date	

White - Police Department Copy

Pink - Health Department Copy

Yellow - Owner's Copy

Incident Report Number:

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POLICE		Franklin Incident: Animal Complain	***	epartment		In	ciden	Report	101/
	7	Incident Report Number: 16-000247		Between: Date - Tim	ne	And/Al: Date-Time		15:30	78770
		Incident Location:	1,22,12						9
		CFS Code-1: 9010	CF8 Code	o-2:	CFS Code-3:		Offense Cod	-4 :	7
		CFS Code-5: CFS Code-6;		CFS Code-7:	CFS Code-8:				
Name (Last, First, Middle) V Ludwig, Lauretta D08: 01/17/1956					Race/Sex W/F				
Address: (Address, 0 10591 W C		ınklin, WI, 53132					Home Phone	Number	
Employer Whitnall Pointe Apartments						Work Phone (414	Number) 425-5151		
Employer Address 10591 W Cortez Cir, Franklin, WI 53132					Cell Phone N	nuper	2		
Name (Last, First, Middle) B Whitnall Pointe Apartments,				DOB:	Flace/Sex			7	
Address: (Address, City, State, Zip) 10591 W Cortez Cir, Franklin, WI, 53132							Home Phone	Number	
Employer			***************************************		Work Phone (414	Number 4) 425-5151			
Employer Address							Cell Phone N	sedmul	

SUMMARY

Lauretta Ludwig, F/W, 1/17/56, reports that on Thursday, 1/28/16, at about 1530 hours, she was bitten by a resident's german shepherd in the lower left side stomach area while in the Whitnall Pointe Apartment complex office, 10591 W Cortez Cir, Franklin, Wisconsin. Ludwig stated the owner of the dog, Jonathan D Melcher, M/W, 1/9/92, came into the office with his leashed dog to retrieve a package, and when she went to assist him, the dog bit her causing four separate puncture wounds to her stomach. Ludwig refused medical attention. Melcher was given the Animal Bite Procedures form and the dog will be quarantined at his residence. The dog is up to date on all shots.

Licenso Number:	State:	Expiration Year:	Vin:	Insurarce Compar	y:	
Other Vehicle Information:					NCIC#	
Reporting Officer(s): Polster, Anne M.				Payrall Number: 0167	Payroll Number:	Report Date: 01/28/2016
Time Received: 15:45:46	Time Cleared: 17:04:31	Unit(s) Assigned: 244		Pages:	1	Of 2
Reviewed by: Bath, Joseph J.			Payroll Number 0421	Сору То		

00-24- 11 04:01 FKUME FKANNLIN PULICE DEPI 414-425-0381

1-011 P0003

F-383

Franklin Police Department Continuation Incident Report Number Incident Location: Incident Date: 16-000247 10591 W Cortez Cir, Franklin, WI, 53132 01/28/2016

NAMES

Owner/Animal

Melcher, Jonathan D W/M-24 of 10506 W Cortez Cir,3, Franklin,WI,53132

DOB: 01/09/1992

Cell Phone: (762) 822-2163

Reporting Officer(s): ID Number ID Number Polster, Anne M. 0167

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		7399E	7399G	ZTG95	89		
		CFS Code-5:	CFS Code-6:	CFS Code-7:		CFS Code-8:	
Na	ame (Last. First.	Middle)		DOB:		Race/Sex	
		Andrew W		07/13,	1980	W/M	
ddress: (Address. City.		Allis, WI, 53219				(414) 333-9	2537
mployer	se, wese	11113, 171, 33213				Work Phone Number	
Employer Address						Cell Phone Number (414) 531-1	996
Na	ame (Last. First. I	Middle)		DOB:		Race/Sex	-550
		Charlotte J		08/30,	1957	W/F	
2250 S 69 S		Allis, WI, 53219				Home Phone Number	
Employer S 0 7 2	or, west	AIII3, VVI, 33213				Work Phone Number	
						(414) 607-4	1290
mployer Address		5				Cell Phone Number (414) 303-3	2606
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Moorland revealed cousin's residenc thigh, a Prohibit Melcher, forwarde occurred	Rd) for Rd) for Rd, ZJM. See. ZJM and genified Dang M/W 05 Sed to the lin France Rd.	2313hrs, I respond to a report of 10/30/03, was degree three tal area and reports Dog form 5/17/52 (father he Health departments) and the animal.	a dog bite. It at 2250 S. 69 ard as ZJM walke puncture we have received the was filled of the dog's thent along war. A resident	investigation of St. when he ked into the bunds to his aree stitched but and gives owner). The with a similar	n was atta e was atta e upper un right hip s. The Ord n to Georg is inciden ar inciden	acked by his nit of the p, right der ge R. nt will be nt that	
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West Allis Police Department

Continuation

Incident Report Number 17-023646

Incident Location:

2250 S 69 St, West Allis, WI, 53219

Incident Date: 06/23/2017

NAMES

Contact-1

Melcher, Jonathan D W/M-25 of 2250 S 69 St,LOWER, West Allis,WI,53219

DOB: 01/09/1992

Cell Phone: (762) 822-2163

Witness

Munoz, Daniel C W/M-25 of 7315 S Southridge dr, Greefield, WI, 53220

DOB: 11/07/1991

Cell Phone: (414) 837-8452

Parent

Melcher, Nicole M W/F-35 of 2555 S CALHOUN RD #102, NEW BERLIN, WI, 53151

DOB: 01/21/1982

Cell Phone: (262) 720-9139

Home Phone: (262) 641-0416

Victim

Frischmann, Zakkhary J W/M-13 of 2555 S CALHOUN RD #109,

NEW BERLIN, WI, 53151

DOB: 10/30/2003

Cell Phone: (262) 327-1270

Contact-2

Melcher, George R W/M-65 of 2250 S 69 St, West Allis, WI, 53219

DOB: 05/17/1952

HT: 511 WT: 170 Hair: Brown

Eyes: Brown

Cell Phone: (414) 303-3606

NARRATIVE

INITIAL RESPONSE

On 06/23/17 at approximately 2348hrs, I responded to Froedert Moorland Reserve Hospital at 4805 S. Moorland Rd in New Berlin for a report of a dog bite that occurred in our city. Upon my arrival to the scene I met with the victim, Zakk J.

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West Allis Police Department Incident Report Number Incident Location: Incident Location: Incident Date: 06/23/2017

Frischmann, M/W 10/30/03 and his mother, Nicole M. Melcher, F/W 01/21/82. Nicole stated they were at her in-laws residence at 2250 S. 69 St. for a birthday party. The residence has an upper unit 2252 S. 69 St. and her in-laws live in both units.

STATEMENT OF ZAKK J. FRISCHMANN - VICTIM

Zakk stated at approximately 1930-2000, he wanted to go to the upper unit of the residence to say hi to a family friend (later ID as Daniel C. Munoz, M/W 11/07/91). Zakk opened the door to the residence and was immediately attacked by the family German Shepard named Blitz. Zakk stated he felt pain in his genital area as he repeatedly kicked the dog to get it off of him. He got away from Blitz and the door was closed. He stated he did not know the dog was behind the door prior to opening it as he could not hear it. Zakk went to the bathroom and observed he was bleeding from his penis. It was not until a little while later when he sat down that he realized he had two additional bite marks on his right hip and right thigh. Zakk stated that at no point did he entice the dog into attacking him.

I observed Zakk appeared in good spirit during my conversation with him.

STATEMENT OF NICOLE M. MELCHER - PARENT

Nicole stated she did not witness the incident as she was outside during the attack, however she heard the dog barking. The dog belongs to her brother-in-law, Jonathan D. Melcher, M/W 01/09/92, who is currently out of the state and in North Carolina. She advised Jonathan's parents George, R. Melcher, M/W 05/17/52 and Charlotte J. Melcher, F/W 08/30/57, were currently watching over Blitz while Jonathan was out of state. She also advised Jonathan resides in the lower unit of that residence too. They drove to the hospital at approximately 2200hrs. I asked her why they waited to go to the hospital. She advised they did not realize Zakk had injuries to his hip and thigh right away and Zakk wanted to eat and enjoy the party for a little while. She stated he sustained three total bite (puncture) marks that each broke the skin (right hip, right thigh, and the penis).

Nicole stated Zakk received three stitches to his right thigh due to the attack.

PHOTOGRAPHS

At the hospital I took photographs to the injury to Zakk's hip and thigh. I used a department issued Canon A1400 HD Digital camera. The photographs were saved on my department issued SD card (2619) and later uploaded to the DIMS system. The following is a brief description of the photographs;

- 1.) Overview of Zakk
- 2.) Location where the injuries were (with bandages)

Reporting Officer(s):	T		
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West Allis F	Police Department	Continuation
Incident Report Number	Incident Location:	
17-023646	2250 S 69 St, West Allis, WI, 53219	Incident Date: 06/23/2017

- 3.) Bite mark to Zakk's right thigh that required three stitches.
- 4.) Bite mark to Zakk's right hip

Noted: I did not take a photograph of the injury to Zakk's penis.

MEDICAL RELEASE FORM

I explained the medical release form to Nicole. She understood the form and signed it. She was given a copy of the form. The hospital was also given a copy of the form.

STATEMENT OF DANIEL C. MUNOZ - WITNESS

I then responded to the residence (2250 S. 69 St.) and met with Daniel C. Munoz, M/W 11/07/91 and George inside the front living room. George advised Blitz was currently outside on a walk with Charlotte and he had a muzzle and leash on. Daniel stated he does not reside at the residence but he is a family friend. He advised he was upstairs in the front of the residence when he heard Blitz barking. He could see to the rear of the residence and observed Andrew W. Melcher, M/W 07/13/80 grabbing onto Blitz and pulling him away from Zakk. He later learned that Zakk had been bitten by Blitz. He stated that Blitz is a protective animal and he is good with everyone that he is familiar with. He stated Blitz was 4yrs old.

OFFICER OBSERVATIONS

While speaking with both Daniel and George in the living room, Charlotte J. Melcher, F/W 08/30/57 walked in the front door of the residence with Blitz on a leash. He also had a muzzle on. Upon seeing Officer Dufek, Chaplain Johnson and myself, he immediately started aggressively barking and growling. He pulled away from Charlotte and attempted to run towards me. Charlotte was not able to completely control Blitz by herself due to his size (approx. 65 pounds) and George had to grab a hold of him. Due to Blitz's actions and behavior, I feared for my safety and backed away from Blitz when he attempted to approach me even though he had a muzzle on.

STATEMENT OF GEORGE R. MELCHER - CONTACT

George advised he did not witness the incident because he was outside grilling. He stated they were having a birthday party for his granddaughter. Due to having guests which included small children over, he put Blitz in the upper unit of the residence to keep him separated. George advised he has never owned a dog before and was watching the dog while his son was in North Carolina. His son is set to return someone next week. George was remorseful during my contact with him. George advised of an incident that he believed had occurred 7-8 months ago. Jonathan was residing in Hales Corners and Blitz bit someone else. He stated there is currently

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a law suit pending regarding that incident.

STATEMENT OF ANDREW W. MELCHER - WITNESS

Andrew W. Melcher stated he was downstairs, when Zakk told him he was going to say hi to Daniel in the upper unit. It did not come to Andrew's mind that Blitz was upstairs. He then heard Zakk yelling "get away from me" several times and he heard Blitz barking. He rushed upstairs and closed the door separating Blitz and Zakk. Zakk immediately ran to the bathroom and would not say anything to him.

STATEMENT OF CHARLOTTE J. MELCHER - CONTACT

I briefly spoke with Charlotte J. Melcher, F/W 08/30/57. She advised she was outside during the incident and she did not witness the incident.

ATTEMPT CONTACT WITH JONATHAN D. MELCHER - DOG OWNER

On 06/24/17 at approximately $0140\,\mathrm{hrs}$, I called Jonathan from the number provided by George (762-822-2163). He did not answer and his voicemail message stated it was Jonathan's phone. I left a message regarding the incident.

PROHIBITED DOG PAPERWORK

I read and explained the Rabies Quarantine order to George, Andrew, and Charlotte. They understood the order and George signed the paperwork. He was given a copy.

It should be noted Blitz received a rabies vaccination in 2014.

I read and explained the Order Prohibited Dangerous Dog paperwork to George, Andrew, and Charlotte. They understood the paperwork and George signed the paperwork.

PREVIOUS INCIDENT FOLLOW UP

I contacted Hales Corners PD and they advised they did not have any dog bite incidents involving Jonathan Melcher. A KGIS inquiry was performed and Franklin PD had a dog bite incident. I contacted Franklin PD and they faxed over their report. The report was scanned into the documents tab.

CASE DISPOSITION

On 06/23/17 at approximately 1930hrs, Zakk Frischmann was bitten by Jonathan Melcher (relatives) German Shepard dog. Zakk sustained three bite (puncture) marks to his hip, thigh, and genital. The puncture wound to his thigh require three stitches. The Prohibited dog and Rabies paperwork were completed. This incident will be forwarded to the Health Department.

	Reporting Officer(s)			
ı	Vanden Boogard, Bret	ID Number	ID Number	Pages:
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SUBPOENA CITY OF WEST ALLIS: ADMINISTRATIVE APPEALS REVIEW BOARD: MILWAUKEE COUNTY

STATE OF WISCONSIN) ss COUNTY OF MILWAUKEE)

THE STATE OF WISCONSIN TO:

RECEIVED

OCT 03 2017

WEST ALLIS CITY ATTORNEY

NICOLE MELCHER 2555 South Calhoun Road, #102 New Berlin, Wisconsin 53151

PURSUANT TO SECTION 805.07 OF THE WISCONSIN STATUTES, you are hereby commanded to appear in person before the West Allis Administrative Appeals Review Board, 7525 West Greenfield Avenue, Room 128, West Allis, Wisconsin, on the 30th day of October 2017, at 4:00 p.m., to give evidence in the matter of the appeal of the Prohibited Dangerous Dog Order of Blitz, owner Jonathan Melcher. Failure to appear may result in punishment for contempt which may include monetary penalties, imprisonment and other sanctions.

Issued this 26th day of September, 2017.

CITY OF WEST ALLIS

Nicholas S. Cerwin, Assistant City Attorney

P.O. Address: 7525 West Greenfield Avenue West Allis, Wisconsin 53214 414/302-8450

I will be there but I might be a couple of Minutes late. I pick the kids up from School@3:45 and we live in New Bulin. - Nicole (")



City Attorney's Office

Scott E. Post City Attorney

Sheryl L. Kuhary Jenna R. Merten Nicholas S. Cerwin Assistant City Attorneys

September 26, 2017

Nicole Melcher 2555 South Calhoun Road, #102 New Berlin, Wisconsin 53151

Re: Matter of the Appeal of the Dangerous Dog Order of Blitz, owner,
Jonathan Melcher

Dear Ms. Melcher:

Enclosed please find an original and one copy of a subpoena for you to testify as a witness in regard to the above referenced case. Please sign and date the original and return it to this office in the enclosed, self-addressed, stamped envelope. The copy may be retained for your records.

If you have any questions, please feel free to contact me. Thank you for your cooperation in this matter.

Very truly yours,

Nicholas S. Cerwin Assistant City Attorney

Enclosures

SUBPOENA CITY OF WEST ALLIS: ADMINISTRATIVE APPEALS REVIEW BOARD: MILWAUKEE COUNTY

STATE OF WISCONSIN) ss
COUNTY OF MILWAUKEE)
THE STATE OF WISCONSIN TO:

NICOLE MELCHER 2555 South Calhoun Road, #102 New Berlin, Wisconsin 53151

PURSUANT TO SECTION 805.07 OF THE WISCONSIN STATUTES, you are hereby commanded to appear in person before the West Allis Administrative Appeals Review Board, 7525 West Greenfield Avenue, Room 128, West Allis, Wisconsin, on the 30th day of October 2017, at 4:00 p.m., to give evidence in the matter of the appeal of the Prohibited Dangerous Dog Order of Blitz, owner Jonathan Melcher. Failure to appear may result in punishment for contempt which may include monetary penalties, imprisonment and other sanctions.

Issued this 26th day of September, 2017.

CITY OF WEST ALLIS

Nicholas S. Cerwin, Assistant City Attorney

P.O. Address: 7525 West Greenfield Avenue West Allis, Wisconsin 53214 414/302-8450

Service admitted this d	ay of
	, 2017
X	
Signature of Witness	

Vangerous

RECEIVED
JUL 19 2017
CITY OF WEST ALLIS
CITY CLERK

CITY OF WEST ALLIS *** CUSTOMER RECEIPT ***

Oper: WALSAMN Type: CC Drawer: 1 Date: 7/19/17 01 Receipt no: 50604

Description	Quantity	Asount
A1	APPEAL-AARB 1.00	\$50.00
Trans number:		2003193

G/L account number: 10000004290205

MELCHER

MELLHER

Tender detail	
CA CASH PAYMENT	\$60.00
Total tendered	\$60.00
Total payment	\$50.00
Change	\$10.00
_	

Trans date: 7/19/17 Time: 15:50:52

*** THANK YOU FOR YOUR PAYMENT ***