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

ARH Enterprises LLC, d/b/a Las Palmas, Hugo Juarez, licensing agent.

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Upon consideration of the complaint presented at the License and Health Committee meeting held on August 6, 2019, and subsequent deliberations on August 27, 2019, the Committee finds:

Findings of Fact:

- 1) That ARH Enterprises LLC is the current holder of a 2019-2020 combination Class B intoxicating liquor and fermented malt beverage license, identified as number 19-1541, issued by the West Allis Common Council for the license period beginning on July 1, 2019, through June 30, 2020, for the premises located at 1901 S. 60th Street in the City of West Allis, Wisconsin; doing business under the trade name "Las Palmas"; with a licensing agent identified as Hugo Juarez.
- 2) That Hugo Juarez, as agent for ARH Enterprises LLC, d/b/a Las Palmas, personally received on July 31, 2019, a copy of the summons and complaint filed in this matter that command the licensee complained of to appear before the License and Health Committee of the West Allis Common Council on August 6, 2019.

- 3) That no representative of ARH Enterprises LLC appeared at the License and Health Committee meeting on August 6, 2019, or a subsequent meeting held on August 27, 2019.
- 4) That based on the allegations within the complaint that the License and Health Committee accepted as true on August 6, 2019, which substantially relate to the licensed activity, ARH Enterprises LLC has maintained a disorderly or riotous, indecent ore improper house due to loud, raucous noise and disorderly conduct incidents in violation of Wis. Stat. § 125.12(2)(ag)2 and West Allis RMC § 9.02(20)(a)6; has served alcohol to intoxicated persons in violation of West Allis RMC § 9.02 (20)(a)3 and 4 and Wis. Stat. § 125.07(2)(a)2; and has served alcoholic beverages to a person under the legal drinking age at least two times within a 1-year period in violation of Wis. Stat. § 125.07(1)(a)1 and 2, Wis. Stat. § 125.12(1)(b) 1 and 2.

CONCLUSIONS OF LAW:

- 1) That ARH Enterprises LLC was properly served at least 3 days before the time at which the licensee was commanded to appear and service was accomplished in the manner provided under ch. 801 for service in civil actions in circuit court.
- 2) That the allegations of the complaint are true because the licensee failed to appear as required by the summons pursuant to West Allis RMC § 9.02(20)(d)4. and Wis. Stat. § 125.12(2)(b)1.
- 3) That the foregoing findings of fact constitute a sufficient basis to suspend the Class B intoxicating liquor and fermented malt beverage license, identified as number 19-1541 of ARH Enterprises LLC.

RECOMMENDATION:

Therefore, the License and Health Committee recommends to the Common Council of the City of West Allis that the Class B intoxicating liquor and fermented malt beverage license, identified as number 19-1541 be suspended for ten (10) days beginning at 6:00 a.m. on October 1, 2019, and ending at 6:00 a.m. on October 11, 2019.

Dated at this _//__ day of September, 2019.

Michael J. Czaplewski License & Health Committee

West Allis Common Council