

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

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**In the Matter of the  
Complaint Against**

**FINDINGS OF FACT, CONCLUSION  
OF LAW, AND RECOMMENDATION**

**The 5 Spot LLC,  
d/b/a One More,  
Christina Lopez, licensing agent.**

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**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 The 5 Spot LLC is the current holder of a 2019-2020 combination Class B intoxicating liquor and fermented malt beverage license, number 19-2358, issued by the West Allis Common Council for the license period beginning July 1, 2019 through June 30, 2020 for the premises located at 7534 W. Beloit Road, West Allis, Wisconsin; and does business under the trade name, "One More."
- 2) That Christina Lopez is the licensing agent for the license number 19-2358 issued to The 5 Spot LLC.
- 3) That Christina Lopez, as agent for The 5 Spot LLC, d/b/a One More, personally received on July 30, 2019, a copy of the summons and complaint filed in this matter that

commanded the licensee complained of to appear before the License and Health Committee of the West Allis Common Council on August 6, 2019.

- 4) That Christina Lopez, the licensing agent and representative of The 5 Spot LLC did appear at the License and Health Committee meeting as summonsed on August 6, 2019 where she admitted to the pertinent allegations in the complaint identified in paragraph 7, which involved an investigation by the Department of Revenue on May 7, 2019, assisted by the West Allis Police Department, which revealed that The 5 Spot LLC had been purchasing liquor from a discount liquor store and refilling liquor bottles in the bar, violating Wis. Stat. §125.69(6)(a) for the licensee purchasing intoxicating liquor from someone other than a wholesaler and Wis. Stat. § 125.68(8)2 for refilling original containers used for intoxicating liquor.
- 5) That the above violations substantially relate to the licensed activity at the aforementioned premises.

#### **CONCLUSIONS OF LAW:**

- 1) That The 5 Spot 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 identified in paragraph 7, namely purchasing alcohol from someone other than a wholesaler in violation of Wis. Stat. §125.69(6)(a) and refilling original containers used for intoxicating liquor in violation of Wis. Stat. § 125.68(8)2, are taken to be true.

- 3) That the foregoing findings of fact constitute a sufficient basis to suspend the 2019-2020 combination Class B intoxicating liquor and fermented malt beverage license, number 19-2358, issued to The 5 Spot 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 19-2358, be suspended for a period of thirty (30) days by December 31, 2019, to be selected by the licensing agent, Christina Lopez. Christina Lopez has selected the following thirty (30) days to be closed:

- September 2019- 17<sup>th</sup> through 30<sup>th</sup> - 14 Days
- October 2019- 3rd, 10th, 17th, 24<sup>th</sup> - 4 days
- November 2019- 7<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup>, and 28<sup>th</sup> - 4 Days
- December 2019- 5<sup>th</sup>, 12<sup>th</sup> 19<sup>th</sup> through 22<sup>nd</sup>, 24<sup>th</sup>, 25<sup>th</sup> - 8 Days

The closures referenced in the above dates will be will begin at 6:00 a.m. of the date listed and will remain closed until 6:00 a.m. the following calendar day.

Dated at this 11 day of September, 2019.

By: 

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