## 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

DHV Enterprises LLC, d/b/a Dog House, Melissa Schrubbe, 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 DHV Enterprises LLC is the current holder of a of a 2019-2020 combination Class B intoxicating liquor and fermented malt beverage license, identified as license number 19-2589, issued by the West Allis Common Council for the license period beginning on July 1, 2019 and running through June 30, 2020, for the premises located at 1641 S. 68<sup>th</sup> Street in the City of West Allis, Wisconsin; and doing business under the trade name "Dog House."
- 2) That for the aforementioned license, Melissa Schrubbe is the registered licensing agent.
- 3) That DHV Enterprises LLC was properly served a copy of the summons and complaint by serving an adult female employee at the licensed premises located at 1641 S. 68<sup>th</sup>

  Street in West Allis, Wisconsin, on August 2, 2019, which 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 Melissa Schrubbe, licensing agent and representative for DHV Enterprises LLC, did appear as summonsed to the August 6, 2019, License and Health meeting where she did admit to the allegations in the complaint identified as paragraphs 1 through 5, and 7 through 10, which involved two undercover investigations related to the establishment selling alcohol to minors on two separate occasions within a one (1) year period. The first incident occurred on September 18, 2018 and the second incident occurred on April 17<sup>th</sup>, 2019.
- 5) That the violations admitted to by Melissa Schrubbe substantially relate to the licensed activity and are violations of Wis. Stat. § 125.07(1)(a)1 and 2 and Wis. Stat. § 125.12(1)(b) 1 and 2 for serving alcoholic beverages to an underage person at least two times within a one year period.

## **CONCLUSIONS OF LAW:**

- 1) That DHV 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 a manner provided under ch. 801 for service in civil actions in circuit court.
- 2) That the allegations admitted to in the complaint, specifically the two sales to underage persons in violation of Wis. Stat. § 125.07(1)(a)1 and 2 and Wis. Stat. § 125.12(1)(b) 1 and 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 19-2589, issued to DHV 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 19-2589, be suspended for a period of ten (10) days between the dates of October 1, 2019 and December 31, 2019, to be selected by the licensing agent, Melissa Schrubbe See Exhibit 1 for proposed dates. The closures referenced in the dates referenced in Exhibit 1 will begin at 6:00 a.m. of the date listed and will remain closed until 6:00 a.m. the following calendar date.

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

Michael J. Czaplewski License & Health Committee

West Allis Common Council

September 10,2019 EXHIBIT RECEIVED SEP I 0 2019 The Doghouse located at 1641 S. 6842 street Will be closed on the Following dates as required by the council of West Allis. October-Tuesday the Eth Tuesday the 22nd November -Tuesday the 5th Sunday the 17th Monday the 25th December Jay the 1st Sunday the 2nd Monday the 2nd

Tresday the 3rd Tresday the 24th Monday the 30th

Melissa Schubbe