



CITY OF MANITOWOC

WISCONSIN, USA
www.manitowoc.org



COPY

January 30, 2017

To: Deputy Chief of Police Scott Luchterhand
From: Elizabeth Majerus, Staff Attorney
Re: Jorge A. Ibarra, d/b/a Scorpion Bar and Grill
Revocation of Class "B" Retail Intoxicating Liquor and
Fermented Malt Beverage License

Dear Deputy Chief Luchterhand:

Enclosed are two copies each of Summons and Complaint for Revocation of Class "B" Retail Intoxicating Liquor and Fermented Malt Beverage License for Jorge A. Ibarra, d/b/a Scorpion Bar and Grill.

Please serve one copy on the above mentioned individual, and return one copy plus a Certificate of Service to this office.

If you have any questions regarding this matter, please feel free to contact this office.

Best regards,

Elizabeth Majerus
Staff Attorney

EMM:jr

Enclosures

✓cc: Jennifer Hudon, City Clerk/Deputy Treasurer

City Attorney Kathleen M. McDaniel • Staff Attorney Elizabeth Majerus
Paralegal Jane M. Rhode
CITY HALL • 900 Quay Street • Manitowoc, WI 54220-4543
Phone (920) 686-6990 • Fax (920) 686-6999



In the Matter of Revocation of Class "B" Retail Intoxicating Liquor and Fermented Malt Beverage License of

Jorge A. Ibarra

SUMMONS

d/b/a Scorpion Bar and Grill
214 N. 8th Street
Manitowoc, Wisconsin 54220

To: Jorge A. Ibarra
1360 Kellner Street
Manitowoc, WI 54220

You are hereby notified that a Complaint has been received by the City of Manitowoc, pursuant to Wis. Stat. §125.12(2), requesting the revocation or suspension of the above referenced Class "B" Retail Intoxicating Liquor and Fermented Malt Beverage License for reasons stated in the Complaint, a copy of which is attached hereto.

Pursuant to Wis. Stat. §125.12(2)(ar), you are commanded to appear before the Finance Committee of the Manitowoc Common Council in the First Floor Conference Room of City Hall, 900 Quay Street, Manitowoc, Wisconsin at 5:30 P.M. on Thursday, February 9, 2017, and show cause why Scorpion's Class "B" Retail Intoxicating Liquor and Fermented Malt Beverage License should not be revoked or suspended.

If you do not appear as required by this Summons, the allegations of the Complaint shall be taken as true, and if the Finance Committee or the Manitowoc Common Council find the allegations sufficient, your Class "B" Retail Intoxicating Liquor and Fermented Malt Beverage License shall be revoked.

Dated this 31st day of January, 2017.


Jennifer Hudon, City Clerk/Deputy Treasurer

In the Matter of Revocation of Class "B" Retail Intoxicating Liquor and Fermented Malt Beverage License of

Jorge A. Ibarra

COMPLAINT

d/b/a Scorpion Bar and Grill
214 N. 8th Street
Manitowoc, Wisconsin 54220

Pursuant to Wis. Stat. §125.12(2)(ag), Scott Luchterhand, Deputy Chief of Police, being first duly sworn, complains that the Class "B" Retail Intoxicating Liquor and Fermented Malt Beverage License of the above named Licensee should be revoked or suspended for the following reasons:

- 1) The person has violated this chapter or municipal regulations adopted under §125.10.
- 2) The person keeps or maintains a disorderly or riotous, indecent or improper house.
- 3) The person does not possess the qualifications required under this chapter to hold the license.

The factual basis for my complaint is as follows: A check of the City of Manitowoc Police Department records indicate that Scorpion Bar and Grill, LLC (Scorpion) has been the site of numerous serious incidents which substantially relate to the circumstances of the licensed activity. For instance, on December 31, 2016, an aggravated battery occurred outside Scorpion. The victim and her partner were patronizing Scorpion at the time of the incident. The victim, while smoking a cigarette outside the main entrance, was attacked with a broken beer bottle. Her substantial injuries required approximately thirty (30) stitches. No one from Scorpion contacted authorities at the time of the incident. Rather, law enforcement was notified by medical staff attending to the victim.

On July 31, 2016, another physical assault occurred at Scorpion involving approximately

five or six individuals who attacked a victim while inside the bar. No one from Scorpion contacted authorities at any point during the altercation. Law enforcement only learned about the event through the medical facility treating the victim for his injuries. In addition to the above-noted assaults, the following citations were issued in 2016 and 2017:

06/17/16: Tavern Open After Hours

06/18/16: Permit to Loiter in Tavern (17-20)

06/18/16: Loiter in Tavern (17-20)

11/11/16: Loiter in Tavern (17-20)

11/11/16: Tavern Open After Hours

11/11/16: Permit to Loiter in Tavern (17-20)

11/11/16: Possess/Consumption By Underage (17-20) 1st offense

11/26/16: Obstructing an Officer

11/26/16: Loiter in Tavern (17-20)

11/26/16: Permit to Loiter in Tavern (17-20)

11/26/16: Loiter in Tavern (17-20)

11/26/16: Procure/ Furnish to Underage

12/31/16: Substantial Battery

12/31/16: Bail Jumping

12/31/16: Mayhem

01/14/17: Tavern Open After Hours (charged to two bartenders that night)

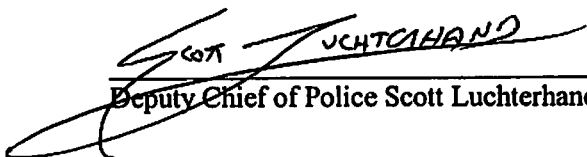
01/14/17: Permit Bartender Without License (charged to two bartenders that night)

01/15/17: Permit Bartender Without License

During these citing incidents, Mr. Ibarra and his daughter, Geraldine, a managing bartender at Scorpion, expressed a lack of concern for abiding by City ordinances and Wisconsin

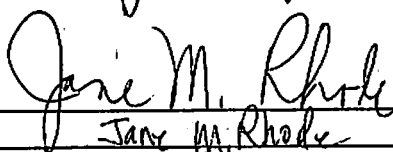
laws. Moreover, Mr. Ibarra displayed an unwillingness to cooperate with law enforcement or to contact law enforcement when reasonably necessary. This behavior is inconsistent with the responsibilities granted by Mr. Ibarra's Class "B" Retail Liquor License and Operator's License. For purposes of clarification, I have included copies of the police reports relating to police contacts at Scorpion from 2016.

Dated this 31st day of JANUARY, 2017.


Deputy Chief of Police Scott Luchterhand, Complainant

STATE OF WISCONSIN)
) ss.
MANITOWOC COUNTY)

Subscribed and sworn to before me this 31st day of January,
2016.



Jane M. Rhode
Notary Public
Manitowoc County, Wisconsin
My commission (expires) (is) 5/1/2020