

68.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2008-0626 Summons and Complaint (Licensing) In Committee

Summons and Complaint in the matter of the complaint against Courtney R. Nissenbaum
2008-2010 Tavern Operator License renewal application no. 10-239.

Introduced: 9/23/2008

Controlling Body: License & Health Committee

place on file

COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
SEP 23 2008	<input checked="" type="checkbox"/>		Barczak	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
		<input checked="" type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
			Sengstock	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Vitale				
		<input checked="" type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
			TOTAL	3	1		1

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
OCT 07 2008	<input checked="" type="checkbox"/>		Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	10	-		

STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL

ADMINISTRATION & FINANCE

Chair: Kurt E. Kopplin
Vice-Chair: Vincent Vitale
Thomas G. Lajsic
Richard F. Narlock
Rosalie L. Reinke

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplewski
Daniel J. Roadt
James W. Sengstock

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Chair: Thomas G. Lajsic
Vice-Chair: Richard F. Narlock
Kurt E. Kopplin
Rosalie L. Reinke
Vincent Vitale

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Vice-Chair: James W. Sengstock
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Daniel J. Roadt
Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Daniel J. Roadt
Kurt E. Kopplin
Richard F. Narlock
Vincent Vitale

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

**In the Matter of the
Complaint Against**

SUMMONS

**Courtney Nissenbaum,
2193 South 78th Street
West Allis, Wisconsin 53219**

**STATE OF WISCONSIN)
) SS.
COUNTY OF MILWAUKEE)**

THE WEST ALLIS COMMON COUNCIL TO COURTNEY NISSENBAUM:

You are hereby notified that a sworn complaint, a copy of which is attached, has been duly made and filed, requesting a hearing on the suspension, revocation, or non-renewal of your Class "I" Operator's License, pursuant to the provisions of sec. 125.12, Wis. Stats.

NOW THEREFORE, you, Courtney Nissenbaum, are hereby summoned to appear before the License and Health Committee of the West Allis Common Council in Room 128 of the West Allis City Hall, 7525 West Greenfield Avenue, West Allis, Wisconsin, on September 23, 2008, at 6:00 p.m., or as soon thereafter as this matter can be heard, to admit or deny the allegations in the complaint. You may be represented by counsel on this date.

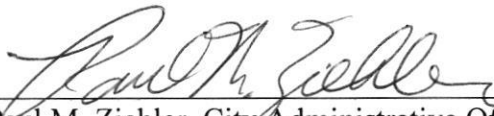
In the case of your failure to appear as required by this summons, the allegations in the complaint against you shall be taken as true and, if the License and Health Committee of the West Allis Common Council finds the allegations sufficient, a recommendation that your license(s) be suspended or revoked will be made to the full Common Council. The Common Council may then vote to suspend, revoke, or not renew your license(s).

You are further notified that if you appear as required by this summons and contest the allegations in the complaint, a hearing will be scheduled at a later date before the License and Health Committee, at which time you may be represented by counsel, cross examine the witnesses who testify adversely against you, and present witnesses in your own behalf. A written transcript of said hearing shall be made and you may obtain a copy of the transcript of this proceeding at your expense.

Dated at West Allis, Wisconsin, this 15th day of Sept., 2008.

WEST ALLIS COMMON COUNCIL

By:


Paul M. Ziehler, City Administrative Officer,
Clerk/Treasurer

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

**In the Matter of the
Complaint Against**

COMPLAINT

Courtney Nissenbaum,

**STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)**

Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against Courtney Nissenbaum as follows:

1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the First Aldermanic District in the City of West Allis, is the chair of the License and Health Committee, and makes this complaint at the direction of the License and Health Committee of the West Allis Common Council.
2. That the information contained in this complaint comes from the complainant's review of official records maintained by the City of West Allis, the West Allis Police Department, and the West Allis City Clerk's office, which records complainant believes to be reliable and accurate.
3. That Courtney Nissenbaum is the holder of a operator's license, License No.10-239, to sell/serve alcoholic beverages under Chapter 125, Wis. Stat., issued by the West Allis Common Council for the license period beginning July 1, 2007, and ending June 30, 2008.
4. That according to the records of the West Allis Police Department, on June 25, 2008, Officer Zachary Scott observed Nissenbaum parked in the middle of the road, in the wrong lane, in the area of South 65th Street and West Greenfield Avenue.

5. That upon making contact with Nissenbaum, Officer Scott observed that she had red and glassy eyes, a strong odor of intoxicants on her breath, and slurred speech.
6. That Nissenbaum told Officer Scott that she was bartending at Bugsy's Bar earlier that night and drove directly to the Spot Lite bar after her shift. She stated that she had two wines and three shots to drink within five hours while at Bugsy's and felt that she was okay to drive.
7. That Nissenbaum failed the standardized field sobriety tests, and Officer Scott arrested her for operating while intoxicated.
8. That Nissenbaum submitted a breath sample to an intoximeter within 45 minutes of driving her vehicle, and the result was a .12 blood alcohol concentration.
9. That Officer Scott issued citations to Nissenbaum for operating while intoxicated and operating a motor vehicle with a prohibited alcohol concentration.
10. That Nissenbaum did not appear at West Allis Municipal Court for her citations, and a default judgment was entered against her on July 26, 2008.
11. That as of September 12, 2008, Nissenbaum has not paid the \$726.00 forfeiture for the operating while intoxicated conviction to the West Allis Municipal Court.
12. That the West Allis City Clerk's office notified Nissenbaum by letter that the License and Health Committee ordered her appearance to its August 5, 2008 meeting.
13. That Nissenbaum failed to appear at that meeting. Nissenbaum called the Clerk's office the next day to give an excuse why she missed the meeting.
14. That the West Allis City Clerk's office notified Nissenbaum by letter that the License and Health Committee ordered her appearance to its September 2, 2008 meeting.
15. That Nissenbaum called the clerk's office on September 2 to confirm the appearance,

but failed to appear at the meeting.

16. That Courtney Nissenbaum's conviction for operating while intoxicated and failure to appear in response to the License and Health Committee's summons are grounds for non-renewal, suspension, or revocation of her operator's license.

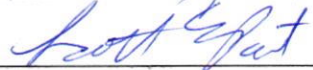
WHEREFORE, Michael J. Czaplewski, requests that Courtney Nissenbaum be summoned to appear before the License and Health Committee of the West Allis Common Council to answer this complaint and, if the material allegations of the complaint are denied, that a hearing be held to determine whether the Operator's License, License No. 10-239, of Courtney Nissenbaum should be revoked, suspended, or not renewed.

Dated at this 16 day of Sept, 2008.

By: 

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

Subscribed and sworn to before me
this 16 day of Sept, 2008.


()

Notary Public, State of Wisconsin

My Commission expires: 12 perm.

IN THE MATTER OF THE COMPLAINT AGAINST STEVEN T. ROBINSON: CITY OF WEST ALLIS
v. COURTNEY NISSENBAUM

State of Wisconsin)

: ss

AFFIDAVIT OF SERVICE

Milwaukee County)

Cpl. Randal R. Holmes, under oath, says:

1. That affiant is a citizen and resident of the State of Wisconsin, over 18 years old, and is not a party nor in any manner interested in this proceeding.
2. That on 9-18, 2008, at 1:30 o'clock P.m., at 2193 S 78th St, affiant served a copy of this **Summons and Complaint** on the Defendant, Courtney Nissenbaum, by personally delivering to and leaving a copy of same with:

a) The Defendant, Courtney Nissenbaum.

b) _____, a competent member of Courtney Nissenbaum's family at least 14 years of age, at the defendant's usual place of abode. The family member was informed of the contents of the summons.

c) _____, a competent adult who resides in the defendant's place of abode. The adult was informed of the contents of the summons.

Cpl. Randal R. Holmes
(Signature of person serving papers)

Subscribed and sworn to before me
this 18th day of September, 2008.

Randal L. Speer
(Notary Public, State of Wisconsin)

Notary Public, State of Wisconsin

My Commission: 5-13-12

RECEIVED
SEP 19 2008
WESTALLIS
CITY ATTORNEY