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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2006-0256 Communication In Committee

Building Inspections and Zoning Director communication regarding Liquor License and Building Occupancy Permit Violations at the Day's Inn Motel at 10900 W. Mitchell Street and the Pallas Restaurant at 1657 S. 108

Introduced: 5/2/2006 Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION *POF*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>5.2.06</u>			Barczak				
			Czaplewski	✓			
		✓	Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
			Narlock	✓			
	✓		Reinke				
			Sengstock	✓			
			Vitale				
			Weigel				
			TOTAL	5	1		

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin
 Chair Vice-Chair Member

COMMON COUNCIL ACTION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAY 02 2006</u>			Barczak				
			Czaplewski				
			Dobrowski				
	✓		Kopplin				
			Lajsic				
			Narlock				
		✓	Reinke				
			Sengstock				
			Vitale				
			Weigel				
			TOTAL				

UNANIMOUS



CITY OF WEST ALLIS

WISCONSIN



Department of Building Inspections & Zoning

TED ATKINSON
Director

April 24, 2006

City of West Allis
License and Health Committee
Aldersperson Kurt Kopplin, Chairman

RE: Day's Inn Motel, 10900 W. Mitchell St. & Pallas Restaurant, 1657 S. 108 -
Liquor License and Business Occupancy Permit Violations

Alderman Kopplin:

The Day's Inn Motel at 10900 W. Mitchell St. has had numerous code violations from at least May 2000 when Nicholas Itsines applied for occupancy of this premises.

I have also recently discovered that the premises is serving alcohol without a proper City license.

I offer the following information:

A. Liquor License

1. There is no record of a liquor license being issued to the Day's Inn at 10900 W. Mitchell Street in 2005-06. Also, a review of the Clerk's Office records found no record of issuance of a license to this address in previous years back to 2001/2002.
2. On April 18, 2006 Mr. Nicholas Itsines, Jr. acknowledged that the Pallas Restaurant services the banquet halls at the Day's Inn, with liquor being dispensed as requested by users.
3. There is a liquor license issued to 1657 S. 108th St., d/b/a Pallas Family Restaurant, TORI 822, Inc. The license application lists Nicholas D. Itsines, Jr. as President/Member.
4. The 2005-2006 license application states on lines 9 and 10 and on the accompanying drawing of the premises (floor plan(s)) that the licensed premises is the restaurant's 1st floor and the basement area below the restaurant. There is no indication that licensed area includes the banquet halls in the adjacent building on the same property.

5. In conclusion, I believe it has always been the intent of the Day's Inn to be serviced by the liquor license issued to the restaurant at 1657 S. 108th St. Errors by the applicant in the application process from some years in the past caused the problem. It appears the 2005-06 application information was copied from the previous year (and that probably from the previous year, etc.) without thorough and proper review.

B. Business Occupancy Permit and Building/Fire Code Violations

1. In 2000 the Day's Inn applied for Business Occupancy. Inspections occurred on June 1, 2000. Thereafter electric and health inspectors approved their portions. The building inspector listed code corrections in a communication dated July 30, 2000 & plumbing on September 25, 2000.
2. After inspections for occupancy, communications of code corrections were sent to the owner/occupant. When there was no compliance to these communications and a Summons & Complaint (S/C) was issued for municipal court processing. At court on March 22, 2001, no appearance was made by the Day's Inn representatives. Thereafter, the Court held the S/C for further processing by the Police Department. It appears there was no follow-up and the file was left open.
3. In 2004, the building inspector again pursued occupancy violations by communications with the business. After no compliance, the City Attorney's Office issued a S/C. At trial on August 6, 2004, no one appeared and the court found the Itsines Corporation in default for \$1,000.00.
4. In 2005/06 the building inspector again pursued occupancy violations by communications with the business. After no compliance, the City Attorney's Office issued a S/C. At a trial on April 12, 2006 no one appeared and the court found 519KOS, Inc., d/b/a Day's Inn in default for \$2,000.00.
5. On April 21, 2006 the Plumbing Inspector made an inspection of the premises, finalized permits and approved the plumbing portion of the Occupancy Permit. A plumbing permit was issued to a plumbing contractor in August of 2004, but the inspection was not requested until April 19, 2006.
6. To date, there are still building and fire code violations at this premises. Building Code violations regarding, amongst other items, enclosure of open walkways to the 2-story motel by a building permit issued in 1996 that require further work to include fire doors with auto closures and mechanical ventilation introduced into the enclosed walkways. Fire Department issues regarding alarm and sprinkler installation and system maintenance.
7. Site maintenance is an issue also. There is an approved Plan Commission Site and Landscaping Plan for the Day's Inn and Pallas Restaurant. The property/business owners have failed to keep the property maintained in accordance with the plan. Generally, I believe there is no yearly maintenance of the site at all.

In conclusion, I am informing the License and Health Committee of a code enforcement problem that the Committee appears to have jurisdiction upon. I request that the

Committee deny any license expansion and that they further review the liquor license of the Pallas Restaurant. Fire and Building Inspections will also be pursuing other enforcement actions in addition to your available review processes.

I am available for further discussion of this matter at a future committee meeting. Thank you in advance for your assistance in resolving the issues stated in this communication.

Sincerely,



Ted Atkinson, Director
Building Inspections & Zoning

cc: Attorney Cheryl Wentland
Business Occupancy File
Inspector Woodard
Batallion Chief Martin King

Itsines Corporation
Nicholos Itsines Sr., Registered Agent
19385 Whitehall Dr.
Brookfield, WI 53045

TORI 822, Inc.
Matthews CPA S.C.
14040 W. Capital Drive
Brookfield, WI 53045

Pallas Restaurant
1657 S. 108th St.
West Allis, WI 53214

Day's Inn
10900 W. Mitchell St.
West Allis, WI 53214