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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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2009-0571 Summons and Complaint (Licensing) In Committee

Summons and Complaint in the matter of the complaint against Mr. Gyros Café & Grill, LLC, James P. Wood, Agent, d/b/a Mr. Gyros relative to Food-Related Permit.

Introduced: 9/1/2009

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION To Issue Findings & Recommendation

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
OCT 27 2009		✓	Barczak	✓			
			Czaplewski	✓			
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
		✓		Roadt	✓		
				Sengstock	✓		
				Vitale			
			Weigel	✓			
			TOTAL	5	0		

SIGNATURE OF COMMITTEE MEMBER

[Handwritten Signature]
Chair

Vice-Chair

Member

COMMON COUNCIL ACTION To Issue Findings & Recommendation

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
NOV 03 2009	✓		Barczak				
			Czaplewski				
			Kopplin				
			Lajsic				
			Narlock				
		✓		Reinke			
				Roadt			
				Sengstock			
				Vitale			
			Weigel				
			TOTAL				

UNANIMOUS



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
www.ci.west-allis.wi.us
Paul M. Ziehler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

October 19, 2009

James Wood
Mr. Gyros
10535 W. Greenfield Ave.
West Allis, WI 53214

Dear Mr. Wood:

Please note that your permit to operate Mr. Gyro's is being withheld due to your failure to pay Personal Property Taxes owed to the City of West Allis. As of July 1, 2009, you are operating your establishment without a license and in violation of the City's ordinances.

As a result of the above, the Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, October 27, 2009, at 6:00 P.M. in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., West Allis, WI. Failure to appear may result in the City commencing an action seeking the ultimate revocation of your license. The Committee will inform you of the process for this matter at the meeting of October 27, 2009.

Sincerely,

Monica Schultz
Assistant City Clerk

/amn

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

**In the Matter of the
Complaint Against**

SUMMONS

**Mr. Gyros Café & Grill, LLC
James P. Wood, agent
10535 West Greenfield Avenue
West Allis, Wisconsin 53214**

STATE OF WISCONSIN)
) SS.
COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO JAMES P. WOOD:

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 Restaurant License, pursuant to the provisions of West Allis Revised Municipal Ordinances 1.08 (9) and 7.04 and Wisconsin Statutes §§ 97.30, 254.69 and 254.74

NOW THEREFORE, you, James P. Wood, 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 1, 2009, at 6:30 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 26th day of August, 2009.

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

Mr. Gyros Café & Grill, LLC,

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Michael J. Czuplewski, being duly sworn, on oath deposes and states as a complaint against Mr. Gyros Café & Grill, LLC, as follows:

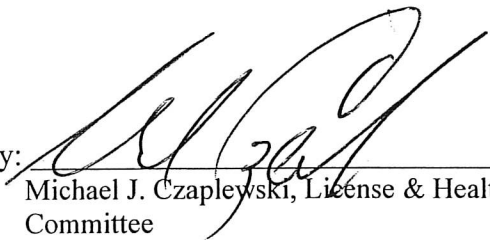
1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the First Aldermanic District in the City of West Allis, is the chair of the License and Health Committee, and makes this complaint at the direction of the License and Health Committee of the West Allis 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 Health Department, and the West Allis City Clerk's office, which records complainant believes to be reliable and accurate.
3. That Mr. Gyros Café & Grill, LLC, is the holder of a Food-Related Permit to sell/serve food under Chapter 97 and 254, Wis. Stat., issued by the West Allis Common Council for the license period beginning July 1, 2009, and ending June 30, 2010.
4. That according to the records of the City of West Allis, the above-named defendant was assessed a personal property tax in the amount of \$2,123.68 in 2007.
5. That according to the records of the City of West Allis, the above-named defendant

was assessed a personal property tax in the amount of \$2,144.36 in 2008.

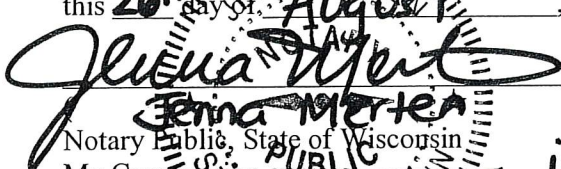
- 6. That as of today's date, despite several notices that payment was due, the defendant has not paid the personal property taxes owed to the City of West Allis.
- 7. That Mr. Gyros Café & Grill, LLC, failure to pay its personal property taxes substantially relates to the licensed activity and is in violation of West Allis Revised Municipal Ordinance 1.08(9) and Wisconsin Statutes §§ 97.30, 254.69 and 254.74, and, therefore, is grounds for non-renewal, suspension, or revocation of its Food-Related Permit.

WHEREFORE, Michael J. Czaplewski, requests that Mr. Gyros Café & Grill, LLC, 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 Food-Related Permit of Mr. Gyros Café & Grill, LLC, should be revoked, suspended, or not renewed.

Dated at this 26 day of Aug, 2009.

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

Subscribed and sworn to before me
 this 26th day of August, 2009.


 Jenna Merten
 Notary Public, State of Wisconsin
 My Commission expires: _____

is permanent

IN THE MATTER OF THE COMPLAINT AGAINST TRI-CORP HOUSING: CITY OF WEST ALLIS v.
MR. GYROS CAFÉ & GRILL, LLC, JAMES WOOD, agent

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 August 27, 200~~8~~⁹, at 1:40 o'clock P.m., at 10535 W. GREENFIELD AVE, West Allis, Milwaukee, Wisconsin, affiant served a copy of this **Summons and Complaint** on the Defendant by personally delivering to and leaving a copy of same with:

a) QUANNETTA J. JACKSON, a(n) officer, director, managing agent or registered agent of defendant corporation.

b) _____, who appeared to the affiant to be in charge of the office of Mr. Gyros Café & Grill, LLC

Cpl. Randal R. Holmes

(Signature of person serving papers)

Subscribed and sworn to before me
this 27 day of August, 2009.

James A. Stein

Notary Public, State of Wisconsin

My Commission: 2-13-2011



CITY CLERK/TREASURER'S OFFICE
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Paul M. Ziehler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

August 24, 2009

James Wood
Mr. Gyros
10535 W. Greenfield Ave.
West Allis, WI 53214

Dear Mr. Wood:

Please note that your permit to operate Mr. Gyro's is being withheld due to your failure to pay Personal Property Taxes owed to the City of West Allis. As of July 1, 2009, you are operating your establishment without a license and in violation of the City's ordinances.

As a result of the above, the Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, September 1, 2009, at 6:30 P.M. in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., West Allis, WI. **This is the Third Request.** Failure to appear may result in the City commencing an action seeking the ultimate revocation of your license. The Committee will inform you of the process for this matter at the meeting of September 1, 2009.

Sincerely,

Monica Schultz
Assistant City Clerk

/amn