



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2009-0586 **Summons and Complaint (Licensing)** **In Committee**

Summons and Complaint in the matter of the complaint against Doyle Foodservices, Inc., Thomas C. Doyle, Agent, d/b/a Tommasino Italia for premises located at 7335 W. Greenfield Ave. (2009-2010 Class B Tavern License no. 887).

Introduced: 9/15/2009

Controlling Body: License & Health Committee

and preparation of Findings and Recommendation.

COMMITTEE RECOMMENDATION

Approves complaint allegations and not renew the license

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
SEP 15 2009		✓	Barczak	✓			
			Czaplewski	✓			
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
			Roadt	✓			
			Sengstock				✓
	✓		Vitale				
			Weigel	✓			
			TOTAL	4	0		1

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

APPROVAL

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
SEP 15 2009	✓		Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
		✓	Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock				✓
			Vitale	✓			
			Weigel	✓			
			TOTAL	9			1

**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

SAFETY & DEVELOPMENT

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

LICENSE & HEALTH

Chair: Michael J. Czaplewski
Vice-Chair: James W. Sengstock
Gary T. Barczak
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

**DOYLE FOOD SERVICES, INC.,
C/o Thomas Doyle, registered agent
7335 West Greenfield Avenue
West Allis, Wisconsin 53214**

STATE OF WISCONSIN)
) SS.
COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO THOMAS DOYLE:

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 2009-2010 Class B Tavern License, pursuant to the provisions of sec. 125.12, Wis. Stats.

NOW THEREFORE, you, Thomas Doyle, 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 15, 2009, 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 10th day of Sept., 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

**Doyle Foodservices, Inc.,
C/o Thomas Doyle, registered agent**

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against Doyle Foodservices, Inc. as follows:

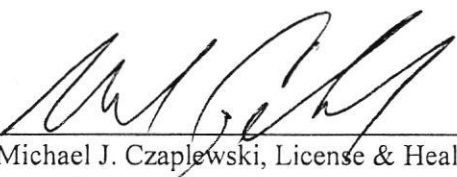
1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the First Aldermanic District in the City of West Allis, is the chair of the License and Health Committee, and makes this complaint at the direction of the License and Health Committee of the West Allis 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 and the West Allis City Clerk's office, which records complainant believes to be reliable and accurate.
3. That Doyle Foodservices, Inc. is the holder of a Class B Tavern License to sell/serve alcoholic beverages under Chapter 125, Wis. Stat., issued by the West Allis Common Council for the license period beginning July 1, 2008, and ending June 30, 2009.
4. That according to the records of the West Allis City Clerk's office, the clerk notified Thomas Doyle in writing that he was required to appear at the August 4, 2009 License and Health meeting to discuss his application for renewal.
5. That Doyle did not appear at the August 4, 2009 meeting and did not contact the

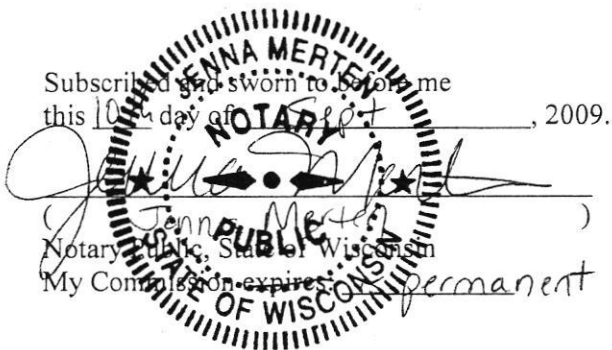
clerk's office.

6. That according to the records of the West Allis City Clerk's office, the clerk notified Thomas Doyle in writing a second time that he was required to appear at the September 1, 2009 License and Health meeting.
7. That Doyle did not appear at the September 1, 2009 meeting and did not contact the clerk's office.
8. That the conduct of Doyle Foodservices, Inc., by registered agent Thomas Doyle, substantially relates to the licensed activity contrary to West Allis Revised Municipal Ordinance 9.02 (12)(b) and is grounds for non-renewal, suspension, or revocation of its Class B Tavern license.

WHEREFORE, Michael J. Czaplewski, requests that Doyle Foodservices, Inc., c/o Thomas Doyle, 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 Class B Tavern License of Doyle's Foodservices, Inc. should be revoked, suspended, or not renewed.

Dated at this 10th day of Sept, 2009.

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



IN THE MATTER OF THE COMPLAINT AGAINST DOYLE FOODSERVICES, INC.: CITY OF WEST ALLIS v. DOYLE FOOD SERVICES, INC.

State of Wisconsin)

: ss

AFFIDAVIT OF SERVICE

Milwaukee County)

Carl Raymond R. Houmas

, 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 SEPTEMBER 11, 2009, at 1:12 o'clock P.m., at 1224 S 73RD ST, affiant served a copy of this **Summons and Complaint** on the Defendant, Doyle Foodservices, Inc., by personally delivering to and leaving a copy of same with:

a) The Registered Agent, Thomas Doyle.

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

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

Carl Raymond R. Houmas
(Signature of person serving papers)

Subscribed and sworn to before me
this 11th day of Sept, 2009.

Carol Specks
(Notary Public, State of Wisconsin)
My Commission: 513-12

RECEIVED
SEP 14 2009
WEST ALLIS
CITY ATTORNEY