

1.
36.
48.



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2008-0206 Summons and Complaint (Licensing) Held in Committee

Summons and Complaint in the matter of the complaint against Top Gun Saloon, Inc., Angela M. Robinson, Agent for the premises located at 1100 S. 60 St., d/b/a Top Gun Saloon (2007-2008 Class B Tavern License no. 88).

Introduced: 4/14/2008

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JUL 01 2008		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
	<input checked="" type="checkbox"/>		Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale				
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	5			

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JUL - 1 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"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
			Vitale				<input checked="" type="checkbox"/>
			Weigel	<input checked="" type="checkbox"/>			
			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

26.



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2008-0206

Summons and Complaint (Licensing)

In Committee

Summons and Complaint in the matter of the complaint against Top Gun Saloon, Inc., Angela M. Robinson, Agent for the premises located at 1100 S. 60 St., d/b/a Top Gun Saloon (2007-2008 Class B Tavern License no. 88).

Introduced: 4/14/2008

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak				
			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajszic				
			Narloek				
			Reinke				
			Sengstock				
			Vitale				
			Weigel				
			TOTAL				

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
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			Czaplewski				
			Dobrowski				
			Kopplin				
			Lajszic				
			Narloek				
			Reinke				
			Sengstock				
			Vitale				
			Weigel				
			TOTAL				

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL
2004**

ADMINISTRATION & FINANCE

Chair: Michael J. Czaplewski
Vice-Chair: Martin J. Weigel
Gary T. Barczak
Thomas G. Lajsic
Rosalie L. Reinke

PUBLIC WORKS

Chair: Richard F. Narlock
Vice-Chair: Linda A. Dobrowski
Kurt E. Kopplin
Vincent Vitale
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Vincent Vitale
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Richard F. Narlock
Michael J. Czaplewski

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel



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

May 16, 2008

Angela M. Robinson, Agent
Top Gun Saloon, Inc.
1100 S. 60 St.
West Allis, WI 53214

Dear Ms. Robinson:

The Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, May 27, 2008 at 6:00 P.M., in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., regarding your 2007-2008 Class B Tavern License.

Sincerely,

Monica Schultz/amn

Monica Schultz
Assistant City Clerk

amn



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

April 7, 2008

Angela M. Robinson, Agent
Top Gun Saloon, Inc.
1100 S. 60 St.
West Allis, WI 53214

Dear Ms. Robinson:

The Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, April 14, 2008 at 5:30 P.M., in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., regarding your 2007-2008 Class B Tavern License.

Sincerely,

Monica Schultz
Assistant City Clerk

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

**In the Matter of the
Complaint Against**

SUMMONS

**TOP GUN SALOON, INC.
Angela Marie Robinson, agent
1100 South 60th St.
West Allis, Wisconsin 53214**

STATE OF WISCONSIN)
) SS.
COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO ANGELA MARIE ROBINSON:

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 B Intoxicating Liquor and Class B Fermented Malt Beverage Licenses, pursuant to the provisions of sec. 125.12, Wis. Stats.

NOW THEREFORE, you, Angela Marie Robinson, 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 April 14, 2008, at 5:30 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 4~~th~~ day of April, 2008.

WEST ALLIS COMMON COUNCIL

By:

Paul M. Ziehler
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

**Top Gun Saloon, Inc.,
Angela Marie Robinson, agent**

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

Kurt E. Kopplin, being duly sworn, on oath deposes and states as a complaint against Top Gun Saloon, Inc., as follows:

1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the Second Aldermanic District in the City of West Allis, 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 Police Department, which records complainant believes to be reliable and accurate.
3. That Top Gun Saloon, Inc. is the holder of a "Class B" Intoxicating Liquor & Class "B" Fermented Malt Beverage Licenses under Tavern License No. 729, issued by the West Allis Common Council for the license period beginning July 1, 2007, and ending June 30, 2008, for the premises located at 1100 South 60th Street, West Allis, Wisconsin and does business under the trade name "Top Gun."
4. That Angela Marie Robinson is the registered agent of Top Gun Saloon, Inc.
5. That Steven T. Robinson is listed as the vice president/member of Top Gun Saloon, Inc. on the tavern's liquor license.

6. That on February 3, 2008, Steven T. Robinson told officers that Top Gun was “my bar,” and that Top Gun bartender Brenda Zehner told officers that Top Gun was “Steve’s bar, and he is the boss.”
7. That on May 12, 2006, the City of West Allis filed a complaint against Top Gun Saloon, Inc., for suspension or revocation of its Class B Tavern License for violations of Chapter 125 of the Wis. Stats., and sections 9.02 and 9.033 of the West Allis Revised Municipal Code. Said complaint is attached to this complaint as Exhibit A and incorporated by reference.
8. That on August 1, 2006, the City of West Allis and Top Gun Saloon, Inc. agreed that said complaint provided sufficient basis for the City to take action against the license and admitted that violations existed to justify the voluntary closure of the business for 45 days. Said stipulation is attached to this complaint as Exhibit B and incorporated by reference.
9. That on February 3, 2008, at approximately 1:59 a.m., officers of the West Allis Police Department were dispatched to a motor vehicle accident in the area of 1121 South 60th Street.
10. That a witness had reported that he heard a crashing noise and observed a black Jeep that had only three tires driving over the curb.
11. That the witness saw the driver, a white female with blonde hair, enter the Top Gun Saloon at 1100 South 60th Street immediately after the accident.
12. That Officer Christina Haiser arrived on scene and observed a black Jeep with only three tires parked in the 1100 block of South 60th Street and a fourth tire lying in the street in front of 1121 South 60th Street.
13. That based on the witness’s information that the driver went inside Top Gun Saloon, Officer Haiser approached the bar and attempted to go inside, but the door was

locked.

14. That Officer Haiser began pounding on the front door of Top Gun Saloon, but no one responded or unlocked the door.
15. That along with Sergeant Chad Evenson, Officer Haiser looked through the front windows of the bar and observed people inside, including bartender Brenda Zehner and a white female with blonde hair.
16. That Sergeant Evenson knocked on the window with his flashlight, shined his flashlight onto Zehner's face, and yelled "Police Department! Open the front door!"
17. That Evenson observed Zehner look at him through the window as he illuminated his police uniform with his flashlight.
18. That Zehner ignored Sergeant Evenson's commands and walked away from his sight.
19. That Zehner later told Sergeant Evenson that she observed the police knocking on the door, but chose not to answer the door because Robinson told her that they did not have to open the door for the police.
20. That Sergeant Evenson and Officer Haiser, who were dressed in the official uniform of the West Allis Police Department with badge and insignia identifying as such, continued knocking on the door and windows while yelling, "Police! Open the door! Police Department!"
21. That the officers observed Steven T. Robinson, who was inside Top Gun Saloon, walk over to the front window, look directly at the officers, and yell, "I don't have to open the door for you!"
22. That Sergeant Evenson asked Steven T. Robinson several times to open the door, but Steven T. Robinson continued to be argumentative and told him, "Fuck you! I don't have to let you in."

23. That after being denied entrance at the front of the bar, Sergeant Clint Corwin, Officer Zachary Scott, and Sergeant Evenson went to the rear of the building to attempt to gain entry.
24. That Sergeant Corwin and Officer Scott were dressed in the official uniform of the West Allis Police Department with badge and insignia identifying as such.
25. That they observed Steven T. Robinson, along with two of the tavern's patrons, standing in the rear doorway of the bar and refusing them entry.
26. That one of those patrons, Richard Holtz, told officers that he was trying to leave through the back door because he was concerned that Steven T. Robinson refused to answer the door and did not wish to exacerbate his (Holtz's) health issues.
27. That when Sergeant Corwin tried to enter the premises, Steven T. Robinson pushed him away from the door.
28. That Sergeant Corwin and Officer Scott had to forcibly remove Steven T. Robinson from the doorway so that officers could enter the premises.
29. That Officer Scott grabbed Steven T. Robinson's upper body to control him to effectuate arrest, but Steven T. Robinson resisted Officer Scott.
30. That Sergeant Evenson tried to help Officer Scott handcuff Steven T. Robinson, but Steven T. Robinson continued locking his arm and elbow, tensing his body, lifting his head and upper body, and refusing to place his arm behind his back.
31. That Officer Scott repeatedly told Steven T. Robinson to stop resisting arrest, but Steven T. Robinson continued his actions to prevent the officers from handcuffing him.
32. That after Steven T. Robinson was eventually handcuffed, he continued resisting the officers and refused to enter the squad car by locking his knees, stating that he was not going anywhere, and continually yelling obscenities.

33. That officers had to forcibly escort Steven T. Robinson inside the squad car.
34. That during the ride to the police station, Steven T. Robinson continuously yelled loudly at Officer Scott, shouted while Officer Scott tried to communicate on his police radio, and called him "worthless" and a "peon."
35. That when Steven T. Robinson arrived at the police station, he continued resisting Officer Scott's attempts to book and search him by continually tensing his muscles and refusing to obey Officer Scott's commands.
36. That due to Steven T. Robinson's behavior, Officer Scott had to hold Steven T. Robinson down while two other officers searched him.
37. That Officer Scott noted that Steven T. Robinson had a strong odor of intoxicants on his breath, red and glassy eyes, and slurred speech.
38. That based on his training and experience, Officer Scott believed Steven T. Robinson to be highly intoxicated, and Steven T. Robinson later admitted to officers that he was intoxicated.
39. That as a result of Steven T. Robinson resisting arrest, Officer Scott suffered pain in his left knee and ankle, a deep bruise to his left leg, and a twisted ankle, which caused him to limp.
40. That the white female with blonde hair was identified as Nichole Younk, who admitted to Officer Haiser that she was the driver of the vehicle that crashed.
41. That Younk said that she told Steven T. Robinson about the accident when she walked into the bar and watched him lock the door to the bar.
42. That Younk was later arrested for operating while intoxicated after exhibiting signs of alcohol use and failing field sobriety tests.
43. That Officer Scott issued Steven T. Robinson a citation for refusing police permission to enter a licensed premise. The Milwaukee County District Attorney's

Office will be reviewing a resisting an officer charge against Steven T. Robinson for his actions toward the officers.

44. That Top Gun Saloon, Inc., has violated the provisions of Chapter 125, Wis. Stats., keeps or maintains a disorderly or riotous, indecent or improper house, and has violated sections 9.02(12)(a), 9.02(12)(b), 9.02(12)(c) and 9.02(12)(d) of the West Allis Revised Municipal Code.

WHEREFORE, Kurt E. Kopplin requests that Top Gun Saloon, Inc. 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 Top Gun Saloon, Inc. should be revoked, suspended, or not renewed.

Dated at this 31st day of March, 2008.

By: Kurt E. Kopplin
Kurt E. Kopplin, License & Health Committee
West Allis Common Council

Subscribed and sworn to before me
this 31 day of March, 2008.

Scott West
()

Notary Public, State of Wisconsin
My Commission expires: 12/31/2010

Exhibit A

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

**In the Matter of the
Complaint Against**

COMPLAINT

**Top Gun Saloon, Inc.
Angela Marie Robinson, agent**

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

Kurt E. Kopplin, being duly sworn, on oath deposes and states as a complaint against Top Gun Saloon, Inc. as follows:

1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the Second Aldermanic District in the City of West Allis, 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 Police Department, which records complainant believes to be reliable and accurate.
3. That Top Gun Saloon, Inc. is the holder of a Class "B" Intoxicating Liquor & Class B Fermented Malt Beverage Licenses under Tavern License No. 88, issued by the West Allis Common Council for the license period beginning July 1, 2005, and ending June 30, 2006, for the premises located at 1100 South 60th Street, West Allis, Wisconsin and does business under the trade name "Top Gun".
4. That Angela Marie Robinson is the registered agent of Top Gun Saloon, Inc.
5. That the West Allis Police Department has had One Hundred Fifty-Nine (159) contacts with the Top Gun Saloon between August 1, 2000 and April 17, 2006 as

detailed in the attached exhibits marked as Exhibit 1 and Exhibit 2.

6. That Top Gun Saloon, Inc. allowed lingerie models to entertain patrons on the licensed premises on March 29, 2002, despite the fact that Top Gun Saloon, Inc. does not hold a tavern entertainment license, in violation of West Allis Revised Municipal Code Section 9.033.
7. That Top Gun Saloon, Inc. allowed a female exotic dancer to entertain patrons on the licensed premises on January 28, 2006, despite the fact that Top Gun Saloon, Inc. does not hold a tavern entertainment license, in violation of West Allis Revised Municipal Code Section 9.033.
8. That Top Gun Saloon, Inc. keeps or maintains a disorderly, riotous, indecent, or improper establishment.
9. That Top Gun Saloon, Inc. has violated the provisions of Chapter 125, Wis. Stats., and sections 9.02 and 9.033 of the West Allis Revised Municipal Code.

WHEREFORE, Kurt E. Kopplin requests that Top Gun Saloon, Inc. 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 Top Gun Saloon, Inc. should be suspended or revoked.

Dated at this 12th day of May, 2006.

By: Kurt E. Kopplin
Kurt E. Kopplin, License & Health Committee
West Allis Common Council

Subscribed and sworn to before me
this 12th day of May, 2006.

Darlyn M. Adams
(DARLYN M. ADAMS)

Notary Public, State of Wisconsin

My Commission expires: 12/10/06

Exhibit B

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

In the Matter of the
Complaint Against

TOP GUN SALOON, INC.
Angela Maric Robinson, agent

STIPULATION AND ORDER TO TAKE ACTION

WHEREAS, on or about May 12, 2006, the City of West Allis filed a complaint against the Top Gun Saloon, Inc., Angela Maric Robinson, agent, for purposes of requesting a hearing on the suspension, revocation or non-renewal of its Class B Intoxicating Liquor and Class B Fermented Malt Beverage Licenses, pursuant to the provisions of Section 125.12, Wis. Stats.; and

WHEREAS, the complaint was served on the licensee on or about May 12, 2006; and

WHEREAS, this matter was the subject of meetings with the City of West Allis License and Health Committee on June 13, 2006 and July 24, 2006; and

WHEREAS, the parties hereto have engaged in negotiations in an effort to resolve this matter; and

WHEREAS, the parties have reached an agreement to resolve this matter; and

WHEREAS, the licensee has agreed that the complaint herein provides a sufficient basis upon which the City can take action against its license and thus hereby admits that there have been violations which justify the voluntary closure as stated herein; and

WHEREAS, the licensee is aware, and has been advised, that any further unlicensed dancing or entertainment on the premises will cause the issuance of another complaint to suspend or revoke the Class B Intoxicating Liquor and Class B Fermented Malt Beverage Licenses.

NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties hereto that:

1. The licensee shall voluntarily close her business for a period of 45 days. Said closure shall commence August 1 and shall continue through September 15, 2006. The first day of business following the closure shall be September 16, 2006.

2. During said period of voluntary closure, the licensee may not conduct business of any kind, including but not limited to, the serving of food and/or alcohol to any patrons for any purpose, including private parties.

3. If during the 45 day closure it is determined that the licensee has conducted business of any kind, including the serving of food and/or alcohol or hosting private parties, the licensee will suffer an immediate suspension of said license for a period of 90 days from the date of the infraction.

4. The City of West Allis License and Health Committee hereby recommends that the Common Council take action in accordance with the terms and conditions as contained herein.

Dated this 1st day of August, 2006.

CITY OF WEST ALLIS:

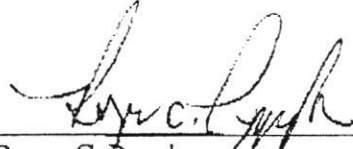
By: 

Barry L. Book, Special Prosecutor
State Bar No. 01008924

Dated this 31 day of July, 2006.

ROGER C. PYZYK LAW OFFICE
Counsel for Licensee

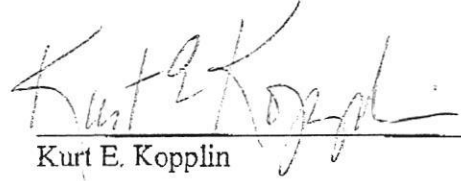
By:


Roger C. Pyzyk
State Bar No. 1016526

Dated this 1st day of August, 2006.

WEST ALLIS COMMON COUNCIL
LICENSE & HEALTH COMMITTEE

By:


Kurt E. Kopplin

THIS DOCUMENT DRAFTED BY:

Barry J. Book, Esq.
State Bar No. 01008924
Haskin & Book
7300 South 13th Street, Suite 104
Oak Creek, WI 53154
Telephone: (414) 762-5105

**IN THE MATTER OF THE COMPLAINT AGAINST TOP GUN SALOON, INC., ANGELA
MARIE ROBINSON, AGENT: CITY OF WEST ALLIS v. TOP GUN SALOON, INC.**

State of Wisconsin)

: ss

AFFIDAVIT OF SERVICE

Milwaukee County)

Cpl. Thomas Buerger, 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 Friday April 04, 2008, at 2:10 o'clock P.m., at 1100 South 60th Street, West Allis, Milwaukee, Wisconsin, affiant served a copy of this **Summons and Complaint** on the Defendant, Top Gun Saloon, Inc., by personally delivering to and leaving a copy of same with:

a) Angela M. Robinson, 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 Top Gun Saloon, Inc., a(n) officer, director, managing agent or registered agent of Defendant Corporation.

Cpl. Thomas Buerger
(Signature of person serving papers)

Subscribed and sworn to before me
this 4th day of April, 2008.

Carol L. Spude
(_____)

Notary Public, State of Wisconsin

My Commission: 6-8-08

RECEIVED

APR 07 2008

WEST ALLIS
CITY ATTORNEY



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