

34.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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2009-0572      Summons and Complaint (Licensing)      In Committee

Summons and Complaint in the matter of the complaint against Paul Ray Investments, LLC, Todd W. Hall & Paul Ray, d/b/a Papa John's Pizza relative to Food-Related Permit.

Introduced: 9/1/2009      Controlling Body: License & Health Committee

### COMMITTEE RECOMMENDATION

*APPROUS. no appearance. Revoke permit  
Complaint allegations.*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>9-1-09</u>			Barczak	✓			
			Czaplewski				
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
	✓		Roadt	✓			
			Sengstock	✓			
			Vitale				
		✓	Weigel	✓			
			TOTAL	5			

### SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

### COMMON COUNCIL ACTION

**APPROVAL** - *pot*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>SEP - 1 2009</u>	✓	✓	Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			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. Czaplowski  
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. Czaplowski  
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

IN THE MATTER OF THE COMPLAINT AGAINST PAPA JOHNS: CITY OF WEST ALLIS v. PAUL RAY INVESTMENTS, LLC D/B/A PAPA JOHNS

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, 2009, at 1:25 o'clock P.m., at 7520 West Greenfield Avenue, 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) MARCELO ROSALES, 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 Papa Johns

  
\_\_\_\_\_  
(Signature of person serving papers)

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

  
\_\_\_\_\_  
(

Notary Public, State of Wisconsin  
My Commission: 2-17-2011



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

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**In the Matter of the  
Complaint Against**

**SUMMONS**

**Todd W. Hall & Paul Ray,  
D/b/a Paul Ray Investments, LLC,  
d/b/a Papa John's Pizza,  
~~10535 West Greenfield Avenue~~ 2747 S 108 ST  
West Allis, Wisconsin 53214**

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STATE OF WISCONSIN        )  
  ) SS.  
COUNTY OF MILWAUKEE    )

**THE WEST ALLIS COMMON COUNCIL TO TODD W. HALL & PAUL RAY:**

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 Food-Related Permit, 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, Todd.W. Hall & Paul Ray, 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 26<sup>th</sup> 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**

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**In the Matter of the  
Complaint Against**

**COMPLAINT**

**Todd W. Hall,  
&  
Paul Ray,  
D/b/a Paul Ray Investments, LLC,  
D/b/a Papa John's Pizza,**

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

Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against Todd W. Hall & Paul Ray, d/b/a Paul Ray Investments, LLC, d/b/a Papa John's Pizza, as follows:

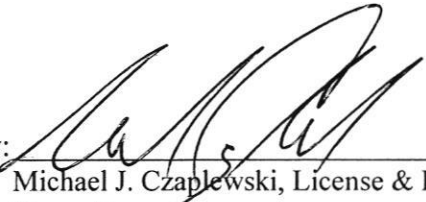
1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the First Aldermanic District in the City of West Allis, is the chair of the License and Health Committee, and makes this complaint at the direction of the License and Health Committee of the West Allis 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 Todd W. Hall & Paul Ray, d/b/a Paul Ray Investments, LLC, d/b/a Papa John's Pizza, 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 \$456.95 in 2008.


5. 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.
6. That Todd W. Hall & Paul Ray, d/b/a Paul Ray Investments, LLC, d/b/a Papa John's Pizza, 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 Todd W. Hall & Paul Ray, d/b/a Paul Ray Investments, LLC, d/b/a Papa John's Pizza, 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 Todd W. Hall & Paul Ray, d/b/a Paul Ray Investments, LLC, d/b/a Papa John's Pizza, 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 26<sup>th</sup> day of August, 2009.

  
Jenna Merten )  
Notary Public, State of Wisconsin  
My Commission expires: is permanent





**CITY CLERK/TREASURER'S OFFICE**

414/302-8200 or 414/302-8207 (Fax)

[www.ci.west-allis.wi.us](http://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*

August 24, 2009

Todd W. Hall and Paul Ray  
Papa Johns Pizza  
2747 S. 108 St.  
West Allis, WI 53227

Dear Messrs:

Please note that your permit to operate Papa Johns Pizza 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