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

In the Matter of the Complaint Against	COMPLAINT
ALBERT HERNANDEZ,	
STATE OF WISCONSIN)	
) ss.	

Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against Albert Hernandez 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 Police Department, which records complainant believes to be reliable and accurate.
- 3. That Albert Hernandez is the holder of a Class "I" Operator's License No. 13-449, granted on February 21, 2012, entitling Albert Hernandez to work as an operator upon premises licensed under retail Class "A" or Class "B" Intoxicating Liquor and/or Fermented Malt Beverage licenses, pursuant to section 9.02(16) of the West Allis Revised Municipal Code and sections 125.17, 125.32(2) and 125.68(2) of the Wisconsin Statutes.
- 4. That on April 30, 2013, Albert Hernandez applied for Class "I" Operator's License No. 15-151, entitling Albert Hernandez to work as an operator upon premises licensed under retail Class "A" or Class "B" Intoxicating Liquor and/or Fermented Malt

- Beverage licenses, pursuant to section 9.02(16) of the West Allis Revised Municipal Code and sections 125.17, 125.32(2), and 125.68(2) of the Wisconsin Statutes.
- That on the application, in response to question number four, "Have you ever been TICKETED, ARRESTED, CONVICTED, or FINED for any violation(s) of Federal, State or City Laws (including felony, misdemeanor, civil and traffic offenses)?", Albert Hernandez checked the box for "no" and did not list any offenses. See attached Exhibit 1.
- 6. That on the two previous applications that Albert Hernandez submitted for licenses, he checked the box for "no" on the same question. See attached Exhibit 2.
- 7. That a police background check of Albert Hernandez revealed on or about February 24, 1991; January 9, 1994; and June 1, 2012, Albert Hernandez did operate a motor vehicle while under the influence of an intoxicant, contrary to section 346.63(1)(A), Wis. Stats., and was subsequently convicted of said offenses.
- 8. That the conduct of Albert Hernandez described in paragraph 5-7 substantially relates to the alcohol beverage licensed activity contrary to Wis. Stat. § 125.04(5)(b), so as to disqualify Albert Hernandez from obtaining, keeping, or renewing a Class "I" Operator's License.

WHEREFORE, Michael J. Czaplewski requests that Albert Hernandez 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 Operator's License issued to Albert Hernandez should be suspended, revoked or not renewed.

Dated at this $\frac{17}{2}$ day of $\frac{1}{2}$ day of $\frac{1}{2}$ day of $\frac{1}{2}$

, 2013.

Michael J. Czaplewski, License & Health

Committee

West Allis Common Council

Subscribed and sworn to before me this 17th day of Turk 1

Jana Merre

Notary Public, State of Wisconsin

My Commission expires: is permanent