



# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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2009-0589      Summons and Complaint (Licensing)      In Committee

Summons and Complaint in the matter of the complaint against H.K. Petroleums, LLC, Zubair Arshad, Agent, d/b/a H.K. Petroleums, LLC at 5926 W. Beloit Rd (2009-2010 Cigarette License no. 1222).

**Introduced:** 9/15/2009

**Controlling Body:** License & Health Committee

**COMMITTEE RECOMMENDATION**

POF

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

**SIGNATURE OF COMMITTEE MEMBER**

\_\_\_\_\_

Chair

\_\_\_\_\_

Vice-Chair

\_\_\_\_\_

Member

**COMMON COUNCIL ACTION**

PLACE ON FILE

	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
ACTION DATE:	_____	_____	Barczak	✓			
SEP 15 2009	_____	_____	Czaplewski	✓			
	_____	_____	Kopplin	✓			
	_____	_____	Lajsic	✓			
	_____	_____	Narlock	✓			
	_____	_____	Reinke	✓			
	_____	_____	Roadt	✓			
	_____	_____	Sengstock				✓
	_____	_____	Vitale	✓			
	_____	_____	Weigel	✓			
			<b>TOTAL</b>	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

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**In the Matter of the  
Complaint Against**

**SUMMONS**

**H.K. PETROLEUMS, LLC,  
C/o Zubair Arshad, registered agent,  
5306 South Hidden Drive,  
Greenfield, Wisconsin 53221**

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STATE OF WISCONSIN            )  
  ) SS.  
COUNTY OF MILWAUKEE      )

**THE WEST ALLIS COMMON COUNCIL TO ZUBAIR ARSHAD:**

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 Tobacco Permit, pursuant to the provisions of Wis. Stat. §134.66 (2) and West Allis Revised Municipal Ordinances 6.02 (19) and 9.04 (3).

**NOW THEREFORE**, you, Zubair Arshad, 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 10<sup>th</sup> 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**

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**In the Matter of the  
Complaint Against**

**COMPLAINT**

**H.K. PETROLEUMS, LLC,  
Zubair Arshad, agent**

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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 H.K. Petroleums, LLC, as follows:

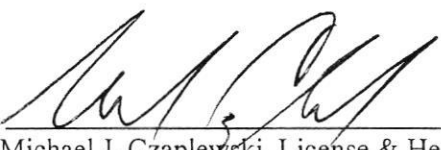
1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the First Aldermanic District in the City of West Allis, is the chairman of the License and Health Committee, and makes this complaint at the direction of the License and Health Committee of the West 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 H.K. Petroleums, LLC is the holder of a Tobacco License under License No. 1222, issued by the West Allis Common Council for the license period beginning July 1, 2008, and ending June 30, 2009, for the premises located at 5926 West Beloit Road, West Allis, Wisconsin and does business under the trade name "BP Gas."
4. That Zubair Arshad is the registered agent of H.K. Petroleums, LLC.
5. That on May 21, 2009, the West Allis Police Department initiated a tobacco compliance check at the aforementioned BP Gas convenience store.
6. That at the direction of Officer Jessica Wink, a 17-year-old male entered the

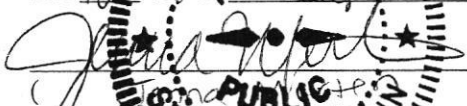
convenience store and purchased a tin of Grizzly chewing tobacco. After purchasing the item, the 17-year-old told Officer Wink that the clerk did not request an identification card or proof of age from him before selling him the tobacco.

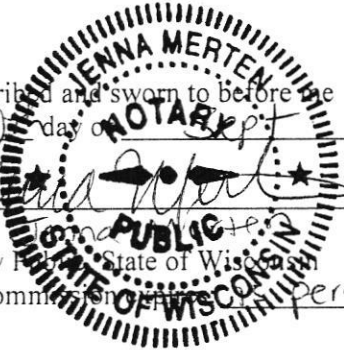
7. That Officer Wink entered the convenience store and made contact with the clerk, Puran Chand, and issued him a citation for selling tobacco to a minor. Officer Wink also issued a citation to Arshad Zubair as the tobacco license holder for H.K. Petroleums, LLC.
8. That due to these citations, the License and Health Committee ordered Zubair to its meetings on July 7, 2009 and August 4, 2009. Zubair did not appear for either meeting.
9. That the conduct of H.K. Petroleums, LLC, by registered agent Arshad Zubair, substantially relates to the licensed activity contrary to Wis. Stat. §134.66 (2) and West Allis Revised Municipal Ordinances 6.02 (19) and 9.04(3) and are grounds for non-renewal, suspension, or revocation of its tobacco license.

WHEREFORE, Michael J. Czaplewski requests that H.K. Petroleum, 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 Tobacco License of H.K. Petroleum, LLC should be revoked, suspended, or not renewed.

Dated at this 10<sup>th</sup> day of Sept., 2009.

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

Subscribed and sworn to before me  
this 10<sup>th</sup> day of Sept., 2009.  
  
( )  
Notary Public, State of Wisconsin  
My Commission Expires permanent



IN THE MATTER OF THE COMPLAINT AGAINST H.K. PETROLEUMS, LLC.: CITY OF WEST ALLIS v. H.K. PETROLEUMS, LLC

State of Wisconsin )

: ss

AFFIDAVIT OF SERVICE

Milwaukee County )

Cpl. Ronald 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 September 11, 2009, at 12:08 o'clock P.m., at 5926 W. Beloit Rd, affiant served a copy of this **Summons and Complaint** on the Defendant, H.K. Petroleum, LLC, by personally delivering to and leaving a copy of same with:

a) The Registered Agent, Zubair Arshad.

b) \_\_\_\_\_, a person in charge at BP Gas, 5926 West Beloit Road, West Allis, Wisconsin.

Cpl. Ronald R. Holmes  
(Signature of person serving papers)

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

Carol K. Speck

Notary Public, State of Wisconsin

My Commission: 5-13-12

RECEIVED  
SEP 14 2009  
WEST ALLIS  
CITY ATTORNEY