

50.59
2.76.



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2009-0719 Findings and Recommendation Introduced

Findings and Recommendations in the Matter of the Complaint Against Mr. Gyros Cafe & Grill, LLC, James Wood relative to Food-Related Permit.

Introduced: 11/3/2009

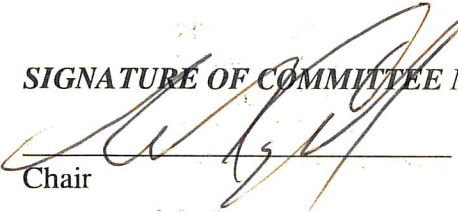
Controlling Body: License & Health Committee

PLACE ON FILE

COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JUL 06 2010		<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	0		

SIGNATURE OF COMMITTEE MEMBER


 Chair _____ Vice-Chair _____ Member _____

PLACE ON FILE

COMMON COUNCIL ACTION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JUL 06 2010	<input checked="" type="checkbox"/>		Barczak				
			Czaplewski				
			Kopplin				
			Lajsic				
			Narlock				
		<input checked="" type="checkbox"/>		Reinke			
				Roadt			
				Sengstock			
				Vitale			<input checked="" type="checkbox"/>
			Weigel				

UNANIMOUS TOTAL _____



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

October 30, 2009

James Wood
Mr. Gyros
10535 W. Greenfield Ave.
West Allis, WI 53214

Dear Mr. Wood:

Enclosed please find a copy of the Findings of Fact, Conclusions of Law, and Recommendation that will be submitted to the Common Council on November 3, 2009. The recommendation is to Revoke and not renew the Food-Related Permit of Mr. Gyros Café & Grill, LLC based upon your non-appearance before the License & Health Committee on October 27, 2009.

You may file a written objection to the License & Health Committee's Report. If you file a written objection to the report, you may also appear before the Common Council. Any written objections to the Committee's report must be filed with the City Clerk by 5:00 p.m. on Monday, November 2, 2009.

Sincerely,

Monica Schultz
Assistant City Clerk

Enclosure

cc: License & Health Committee Chair
City Attorney

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

**In the Matter of the
Complaint Against**

**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND RECOMMENDATIONS**

**MR. GYROS CAFÉ & GRILL, LLC,
James Wood, registered agent**

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

Upon deliberation and consideration of the complaint presented at the License and Health meeting held on September 1, 2009, and October 27, 2009, the Committee finds:

FINDINGS OF FACT:

1. That Mr. Gyros Café & Grill, LLC, via registered agent James Wood, was served a copy of the summons and complaint;
2. That James Wood appeared at the September 1, 2009 meeting to address the complaint and agreed that it was true.
3. That the License and Health Committee told James Wood to set up a payment plan with the city attorney's office to pay off his delinquent taxes, and he agreed to do so;
4. That James Wood failed to pay any money toward his delinquent taxes and never contacted the city attorney's office to discuss a payment plan;
5. That James Wood failed to appear as ordered at the October 27, 2009 License and Health Committee meeting;
6. That the conduct of Mr. Gyros Café & Grill, LLC, by registered agent James Wood, described in the complaint substantially relates to the licensed activity contrary to West Allis Revised Municipal Ordinance 1.08(9) and Wisconsin Statutes §§ 97.30, 254.69 and 254.74;

7. That in particular, Mr. Gyros Café & Grill, LLC's, by registered agent James Wood, failure to pay its personal property taxes, is contrary to West Allis Revised Municipal Ordinance 1.08(9) and Wisconsin Statutes §§ 97.30, 254.69 and 254.74.

CONCLUSIONS OF LAW:

1. That the foregoing constitutes a sufficient basis to revoke and not renew the restaurant license of Mr. Gyros Café & Grill, LLC.

Therefore, the License and Health Committee recommends to the Common Council of the City of West Allis that the Restaurant License of Mr. Gyros Café & Grill, LLC, be revoked and not renewed.

Dated at this _____ day of _____, 2009.

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

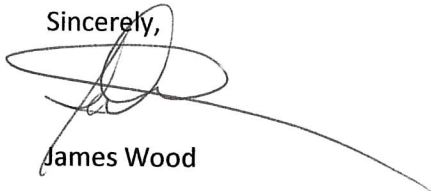
November 2, 2009

To whom it may concern:

This letter is being written in response to the Findings of Fact, Conclusions of Law and Recommendation Letter I received late last week. I realize that at the September 1st meeting I attended, I had promised to arrange and adhere to a payment plan with the city attorney's office. My failure to do neither one of these has obviously left me in a difficult and embarrassing situation. However, I'm hoping that both the city attorney's office and the Common Council can find a way to allow us one final window of opportunity to that our intent is to ultimately not only pay the delinquent taxes owed, but to stay current any and all future taxes we will incur.

My inability to pay the city attorneys office any taxes as of yet has not been due to negligence, however, it has been for strictly financial reasons and not being able to set aside enough to at least show good faith that I do indeed plan to make payment in full. We've recently added local deliveries to residential and commercial establishments and have already seen an increase in sales. With this steady increase, I do foresee the ability to make payments as soon as this month. Please take into consideration, that as a fairly new business owner in the city of West Allis, I am doing all that I can to make Mr. Gyros another valuable asset to the community, even in these tough economic times.

Sincerely,



James Wood

Owner / Operator

Mr. Gyros Café & Grill

RECEIVED

NOV -2 2009

CITY OF WEST ALLIS
CLERK/TREASURER