

22



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2006-0111 Summons and Complaint (Licensing) In Committee

Summons and Complaint in the matter of the complaint against Breaking Point, Inc., Dale Lynn A. Reinders, Agent, for the premises formerly located at 6415 W. Greenfield Ave., d/b/a Breaking Point (2004-2005 Class B Tavern License renewal application no. 20, and 2005-2006 Class B Tavern License renewal application no. 41).

Introduced: 2/28/2006

Controlling Body: License & Health Committee

*To issue a findings & Recommendation
Proceed with Revocation with City Atty*

COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak				
		✓	Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
	✓		Narlock	✓			
			Reinke				
			Sengstock				✓
			Vitale				
			Weigel				
			TOTAL	4			1

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin _____ _____
Chair Vice-Chair Member

COMMON COUNCIL ACTION *Issue findings & Recommendation*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak				
		✓	Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
			Sengstock				
			Vitale				
			Weigel				
			TOTAL				

UNANIMOUS

**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
Gary T. Barczak
Martin J. Weigel
Rosalie L. Reinke

LICENSE & HEALTH

Chair: Kurt E. Kopplin
Vice-Chair: James W. Sengstock
Linda A. Dobrowski
Richard F. Narlock
Michael J. Czaplewski

ADVISORY

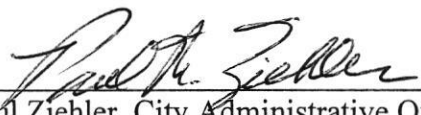
Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel

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 17th day of February, 2006.

WEST ALLIS COMMON COUNCIL

By: 
Paul Ziehler, City Administrative Officer,
Clerk/Treasurer

5. That on April 22, 2004, The Breaking Point, Inc. applied with the West Allis City Clerk/Treasurer for a renewal of its Class B Intoxicating Liquor and Beer Licenses to operate a tavern and that said application listed the premises as "No Building."
6. That the West Allis Common Council took no action on the 2004 – 2005 license application of The Breaking Point, Inc. due to The Breaking Point, Inc.'s failure to have a location.
7. That on April 27, 2005, The Breaking Point, Inc. filed an application for renewal of its tavern license for the 2005 – 2006 license years. Further, that said application listed the address of the premises as "None."
8. That The Breaking Point, Inc. has failed to conduct license business at an authorized location for a period of 30 consecutive days contrary to section 9.02(9)(c) of the West Allis Revised Municipal Code.

WHEREFORE, Kurt E. Kopplin requests that The Breaking Point, 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 comprised of the Class B Intoxicating Liquor and Class B Minted Malt Beverage Licenses of The Breaking Point, Inc. should be revoked or not renewed.

Dated at this 19th day of January, 2006.

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

Subscribed and sworn to before me
 this 19 day of January, 2006.

Scott West
 ()
 Notary Public, State of Wisconsin
 My Commission expires: permanent

IN THE MATTER OF: CITY OF WEST ALLIS v. THE BREAKING POINT, INC.

State of Wisconsin)

: ss

AFFIDAVIT OF SERVICE

Milwaukee County)

Cpl. Buerger, under oath, says:

1. That affiant is a citizen and resident of Milwaukee County, Wisconsin, over 18 years old, and is not a party nor in any manner interested in this proceeding.

2. That on 02-20, 2006, at 2:15 o'clock P.m.,
at 1977 S. 80 St-, West Allis,
(Address) (City)

Milwaukee County, Wisconsin, affiant served an authenticated copy of this **Summons and Complaint** on the

Defendant, The Breaking Point, Inc.
(Name of Defendant)

by personally delivering to and leaving a copy of same with:

a) Dale Lynn Reinders
(The Defendant)

b) _____, a(n) officer, director, managing agent or registered agent of defendant corporation.

c) _____, who appeared to the affiant to

be in charge of the office of _____, a(n) officer, director, managing agent or registered agent of Defendant Corporation.

d) _____, a competent member of the Defendant's family who is at least fourteen years old, at the Defendant's usual place of abode, as Defendant could not be found by affiant.

e) _____, a general partner.

3. That at the time of service, affiant informed the recipient so served regarding the contents of the **Summons and Complaint** on the Defendant, endorsed on the copy so served the time, place, manner of service and upon whom service was made, and signed the endorsement.

Cpl. Buerger
(signature of person serving papers)

Subscribed and sworn to before me this 21st day of February, 2006.

Carol K. Spelke
(

Notary Public, State of Wisconsin
My Commission: 6-8-08

RECEIVED

FEB 22 2006

WEST ALLIS
CITY ATTORNEY

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

**In the Matter of the
Complaint Against**

SUMMONS

**THE BREAKING POINT, INC.,
Dale Lynn Reinders, agent
Premises formerly located at
6415 West Greenfield Avenue
West Allis, Wisconsin 53214**

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

THE WEST ALLIS COMMON COUNCIL TO THE BREAKING POINT, INC.:

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 Minted Malt Beverage License, pursuant to the provision of sec. 125.12, Stats.

NOW THEREFORE, you, The Breaking Point, Inc., 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 the 28th of February, 2006, 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 17th day of February, 2006.

WEST ALLIS COMMON COUNCIL

By: 
Paul Ziehler, City Administrative Officer,
Clerk/Treasurer

SEP/kp
L:jL&HBreakingPointSummons

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

**In the Matter of the
Complaint Against**

COMPLAINT

**The Breaking Point, Inc.,
Dale Lynn Reinders, agent
Premises formerly located at
6415 West Greenfield Avenue
West Allis, Wisconsin 53214**

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

Kurt E. Kopplin, being duly sworn, on oath deposes and states as a complaint against The Breaking Point, 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, which records complainant believes to be reliable and accurate.
3. That the Community Development Authority of the City of West Allis acquired the property located at 6415 West Greenfield Avenue by condemnation on December 12, 2002 and that The Breaking Point, Inc. vacated the premises of 6415 West Greenfield Avenue on or about September 30, 2003 .
4. That subsequent to vacating the premises at 6415 West Greenfield Avenue, The Breaking Point, Inc. failed to relocate in the City of West Allis.

5. That on April 22, 2004, The Breaking Point, Inc. applied with the West Allis City Clerk/Treasurer for a renewal of its Class B Intoxicating Liquor and Beer Licenses to operate a tavern and that said application listed the premises as "No Building."
6. That the West Allis Common Council took no action on the 2004 – 2005 license application of The Breaking Point, Inc. due to The Breaking Point, Inc.'s failure to have a location.
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Dated at this 19th day of January, 2006.

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

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Scott West
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Notary Public, State of Wisconsin
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