

IN THE MATTER OF THE COMPLAINT AGAINST TOP DOG ENTERPRISES, LLC.: CITY OF WEST ALLIS v. TOP DOG ENTERPRISES, D/B/A THE CHOICE EATERY AND ENTERTAINMENT

State of Wisconsin)

: ss

AFFIDAVIT OF SERVICE

Milwaukee County)

CPI. Scott Geys

, 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 July 26th, 2017, at 0825 o'clock A.m., at 12340 W. Delphonda Ave West Allis WI 53227, affiant served a copy of this **Summons and Complaint** on TOP DOG ENTERPRISES, LLC, by personally delivering to and leaving a copy of same with:

a) The Agent, Ronald Mellantine.

b) _____, a person in charge of the office at 100 Lynnwood Lane, Brookfield WI, 53005. The person was informed of the contents of the summons.

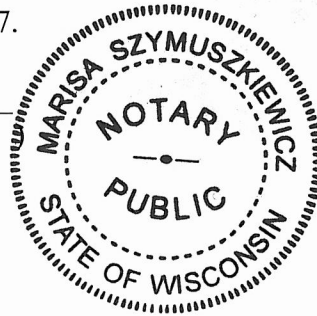
CPI. Scott Geys
(Signature of person serving papers)

Subscribed and sworn to before me
this 26 day of July, 2017.

Marisa Szymuszkiewicz

Notary Public, State of Wisconsin

My Commission: 5/30/20



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

**In the Matter of the
Complaint Against**

SUMMONS

**Top Dog Enterprises, LLC,
d/b/a The Choice Eatery and Entertainment
Ronald Mellantine, agent,**

STATE OF WISCONSIN)
) SS.
COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO Ronald Mellantine:

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" Fermented Malt Beverage License under License, pursuant to the provisions of Sec. 125.12, Wis. Stat. and West Allis Revised Municipal Code Sections 7.04(16) and 9.02(20).

NOW THEREFORE, you, Ronald Mellantine, 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 August 1, 2017, 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.

*Send Ronald Mellantine
Time: 7/26/17 0825
Location: 12345 W. Oklahoma Ave
West Allis WI 53227
CP! [Signature] 10/16*

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 21 day of July, 2017.

WEST ALLIS COMMON COUNCIL

By: Ann Marie Neff
Ann Marie Neff, Deputy Clerk

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

**In the Matter of the
Complaint Against**

COMPLAINT

**Top Dog Enterprises, LLC,
d/b/a The Choice Eatery and Entertainment
Ronald Mellantine, agent,**

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

Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against Top Dog Enterprises, LLC, 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, which records complainant believes to be reliable and accurate.
3. That Top Dog Enterprises, LLC, is the holder of a Class "B" Intoxicating Liquor and Class "B" Fermented Malt Beverage License under License Number 2316, issued by the West Allis Common Council on June 7, 2016 for the license period beginning July 1, 2016 through June 30, 2017 for the premises located at 9638 W. National Avenue, West Allis, Wisconsin and does business under the trade name, "The Choice Eatery and Entertainment."

4. That Top Dog Enterprises, LLC, is the holder of a Class “B” Intoxicating Liquor and Class “B” Fermented Malt Beverage License under License number 2453 for the license period beginning July 1, 2017 and ending June 30, 2018 for the premises located at 9638 W. National Avenue, West Allis, Wisconsin, and does business under the trade name, “The Choice Eatery and Entertainment.”
5. That Top Dog Enterprises, LLC, holds a West Allis Health Department Restaurant/Food permit under I.D. number “GSAC-AEWSNY” which expires on June 30, 2018, for the premises located at 9638 W. National Avenue, West Allis, Wisconsin d/b/a “The Choice Pub and Eatery.”
6. That Ronald L. Mellantine is the registered agent for Top Dog Enterprises, LLC.
7. That Top Dog Enterprises, LLC, d/b/a “The Choice Eatery and Entertainment” located at 9638 W. National Avenue, West Allis, Wisconsin, has never opened for business or utilized the Class “B” Intoxicating Liquor and Class “B” Fermented Malt Beverage Licenses during the 2016-2017 or the 2017-2018 license period, and has not opened to utilize the food permit provided by the City of West Allis.
8. That Top Dog Enterprises, LLC, has violated West Allis Ordinance Sections 7.04(16)(a)4, 9.35(2) and Section 9.02(9)(c) by failing to conduct the licensed or permitted business at the authorized location for a period of thirty (30) consecutive days and is therefore subject to revocation, suspension, or nonrenewal of the licenses.

WHEREFORE, Michael J. Czaplewski requests that Top Dog Enterprises, 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 Class "B" Intoxicating Liquor and Class "B" Fermented Malt Beverage License, should be revoked, suspended, or not renewed.

Dated this 21 day of July, 2017.

By: 

Michael J. Czaplowski
License & Health Committee
West Allis Common Council

Subscribed and sworn to before me
this 21 day of July,



(
Notary Public, State of Wisconsin
My Commission expires: February 2018

