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56.



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2007-0599	Summons and Complaint (Licensing)	In Committee
Summons and Complaint in the matter of the complaint against Shelly M. Beaster, 2007-2009 Tavern Operator License renewal application no. 274.		
Introduced: 9/25/2007		Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION POF place on file

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>10/2/07</u>			Barczak				
			Czaplewski	✓			
		✓	Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
	✓		Sengstock	✓			
			Vitale				
			Weigel				
TOTAL				<u>5</u>	<u>1</u>	<u>1</u>	<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

Rust/Kopplin
Chair

Vice-Chair

Member

COMMON COUNCIL ACTION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>OCT 02 2007</u>			Barczak				
			Czaplewski				
			Dobrowski				
	✓		Kopplin				
			Lajsic				
			Narlock				
			Reinke				
			Sengstock				
		✓	Vitale				
			Weigel				
TOTAL							

UNANIMOUS

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

**In the Matter of the
Complaint Against**

SUMMONS

**SHELLY M. BEASTER
3728 South 43rd Street
Milwaukee, Wisconsin 53220**

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

THE WEST ALLIS COMMON COUNCIL TO SHELLY M. BEASTER:

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 I Operator's License (Bartender's License), pursuant to the provisions of sec. 125.12, Wis. Stats.

NOW THEREFORE, you, Shelly M. Beaster, 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 25, 2007, 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

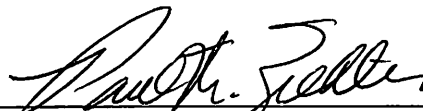
be suspended, revoked, or not renewed will be made to the full Common Council. The Common Council may then vote to suspend, revoke, or not renew your license.

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 13th day of September, 2007.

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**

**In the Matter of the
Complaint Against**

COMPLAINT

SHELLY M. BEASTER,

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

Kurt E. Kopplin, being duly sworn, on oath deposes and states as a complaint against Shelly M. Beaster 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 and the West Allis Police Department, which records complainant believes to be reliable and accurate.
3. That Shelly M. Beaster is the holder of a Operator's License No. 07-315 granted on July 5, 2005 which expired on June 30, 2007, entitling Shelly M. Beaster 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 June 1, 2007, Shelly M. Beaster filed an application for an Operator's License entitling Shelly M. Beaster 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.

5. That on June 27, 2005 and December 23, 2005, Shelly M. Beaster operated 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.
6. That on December 23, 2005, Shelly M. Beaster also failed to report an accident contrary to section 346.70, Wis. Stats. and was subsequently convicted of said offense.
7. That the conduct of Shelly M. Beaster described in paragraphs Five and Six substantially relates to the alcohol beverage licensed activity contrary to 125.04(5)(b), so as to disqualify Shelly M. Beaster from obtaining, keeping, or renewing an Operator's License.

WHEREFORE, Kurt E. Kopplin requests that Shelly M. Beaster 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 Shelly M. Beaster should be suspended, revoked, or not renewed.

Dated at this 10th day of September, 2007.

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

Subscribed and sworn to before me
this 10th day of September, 2007.


(Kristin D. Palmer)
Notary Public, State of Wisconsin
My Commission Expires 2/24/08

L:\cheryl\L&H\Beaster\Complaint-LicExp.

MEMORANDUM

To: Chief Dean Puschnig, West Allis Police Department

CW From: Cheryl L. Wentland, Assistant City Attorney

Date: September 13, 2007

Re: *City of West Allis vs. Shelly M. Beaster*

Enclosed are two copies of the Summons & Complaint in the above captioned matter together with an Affidavit of Service.

Please serve **Shelly M. Beaster** at 3728 South 43rd Street, Milwaukee, Wisconsin. The Summons & Complaint must be served **between September 13 and 20, 2007.**

Upon service please fill out the Affidavit of Service and return the Summons and Complaint together with the Affidavit of Service to our office.

Enclosures

CLW: kp
Cheryl/L&h/Beaster/Serve-PD-S&C-Memo

IN THE MATTER OF: CITY OF WEST ALLIS v. SHELLY M. BEASTER

State of Wisconsin)

: ss

AFFIDAVIT OF SERVICE

Milwaukee County)

_____, 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 _____, 20____, at _____ o'clock _____m.,
at _____,
(Address) (City)

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

Defendant, _____
(Name of Defendant)

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

a) _____
(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.

(signature of person serving papers)

Subscribed and sworn to before me
this _____ day of _____, 2007.

(

Notary Public, State of Wisconsin

My Commission: _____

IN THE MATTER OF: CITY OF WEST ALLIS v. SHELLY M. BEASTER

State of Wisconsin)

: ss

AFFIDAVIT OF SERVICE

Milwaukee County)

Michael P. Gyurina

, 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 09-16, 2007, at 12:04 o'clock P.m.,
at 6901 W BELoit RD, West Allis,
(Address) (City)

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

Defendant, SHELLY M. BEASTER
(Name of Defendant)

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

a) SHELLY M. BEASTER
(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.

Michael P. Gyurina
(signature of person serving papers) Michael P. Gyurina

Subscribed and sworn to before me
this 18 day of SEPTEMBER 2007.

John R. Ntuen
(Signature)
Notary Public, State of Wisconsin
My Commission: 2-13-2011