



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2007-0304 Summons and Complaint (Licensing) In Committee

Summons and Complaint in the matter of the complaint against PAK Enterprises, Inc.,
Mohammad Rafiq, Agent for the premises located at 3061 S. 108 St., d/b/a Mobil (2006-2007
Cigarette License no. 1044). Introduced May 22, 2007.

Introduced: 5/22/2007

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAY 22 2007</u>			Barczak				
			Czaplewski	✓			
		✓	Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
		✓	Narlock	✓			
			Reinke				
			Sengstock				✓
			Vitale				
			Weigel				
		TOTAL		<u>4</u>	<u>0</u>		<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin _____ _____
Chair Vice-Chair Member

COMMON COUNCIL ACTION place in file

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6-5-07</u>		✓	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

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

RECEIVED
MAY 14 2007
CITY OF WEST ALLIS
CLERK/TREASURER

**In the Matter of the
Complaint Against**

SUMMONS

**PAK ENTERPRISES, INC.
D/b/a MOBIL
Mohammad Rafiq, agent,
3061 South 108th Street
West Allis , Wisconsin 53227**

STATE OF WISCONSIN)
) SS.
COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO PAK ENTERPRISES, 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 or revocation of your Tobacco License, due to your failure to appear before the License and Health Committee as requested (see attached notices to appear) by the City Clerk.

NOW THEREFORE, you, PAK Enterprises, 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 May 22, 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

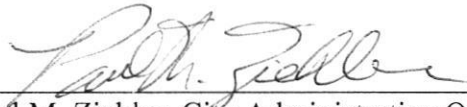
license(s) be suspended or revoked will be made to the full Common Council. The Common Council may then vote to suspend or revoke your license(s).

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 14th day of May, 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**

**RECEIVED
MAY 14 2007**

CITY OF WEST ALLIS
CLERK/TREASURER

**In the Matter of the
Complaint Against**

COMPLAINT

**PAK Enterprises, Inc.
Mohammad Rafiq, agent**

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

Kurt E. Kopplin, being duly sworn, on oath deposes and states as a complaint against PAK Enterprises, 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 and the West Allis Police Department, which records complainant believes to be reliable and accurate.
3. That PAK Enterprises, Inc. is the holder of a Cigarette License No. 1144, issued by the West Allis Common Council for the license period beginning July 1, 2006, and ending June 30, 2007, for the premises located at 3061 South 108th Street, West Allis, Wisconsin and does business under the trade name "Mobil".
4. That Mohammad Rafiq is the registered agent of PAK Enterprises, Inc.
5. That on October 15, 2006, at 3061 South 108th Street, West Allis, Wisconsin, Mohammad Rafiq sold or provided tobacco products to a person under the age of 18 contrary to §134.66(2)(a), Wis. Stat., and §6.02(19), of the West Allis Revised

Municipal Code.

6. That PAK Enterprises, Inc. has violated the provisions of §134.55, Wis. Stat. of the Wisconsin Statutes and §6.02 of the West Allis Revised Municipal Code.
7. That on December 11, 2006 and January 15, 2007, PAK Enterprises, Inc. by its Registered Agent, Mohammad Rafiq was sent notices to appear before the License and Health Committee on December 19, 2006 and January 23, 2007, but failed to appear on either occasion.

WHEREFORE, Kurt E. Kopplin requests that PAK Enterprises, 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 Cigarette License of PAK Enterprises, Inc. should be suspended or revoked.

Dated at this 15TH day of February, 2007.

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

Subscribed and sworn to before me
this 15th day of February, 2007.

Darlyn M. Adams
(DARLYN M. ADAMS)
Notary Public, State of Wisconsin
My Commission expires: 10/24/10

CLW/kp
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IN THE MATTER OF: CITY OF WEST ALLIS v. PAK ENTERPRISES, INC., D/B/A MOBIL

RECEIVED

MAY 14 2007

State of Wisconsin)

: ss

AFFIDAVIT OF SERVICE

Milwaukee County)

Cpl. Randall R. Holmes

CITY OF WEST ALLIS
CLERK/TREASURER

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 May 14, 2007, at 12:20 o'clock P.m.,
at 3061 S. 108th ST., West Allis,
(Address) (City)

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

Defendant, MOHAMMAD RAFIQ
(Name of Defendant)

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

a) MOHAMMAD RAFIQ
(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.

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. Paul R. Heh
(signature of person serving papers)

Subscribed and sworn to before me
this 14th day of May, 2007.

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