

OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

Sheryl L. Kuhary
Jeffrey J. Warchol
Jenna R. Merten
Assistant City Attorneys

January 27, 2014

Scardina Bakery & Delicatessen, Inc.
c/o President Vince Scardina
5901 West Beloit Road
West Allis, WI 53219

Re: Food-Related Permit Revocation of Scardina Bakery & Delicatessen, Inc.

Dear Mr. Scardina:

Please find enclosed an amended Findings of Fact, Conclusion of Law, and Recommendation generated from the January 21, 2014 License and Health Committee meeting.

If you have any objections to the proposed Findings of Fact, Conclusions of Law, and Recommendation, please state your objections in writing and send them to the License and Health Committee, c/o City Hall, 7525 West Greenfield Avenue, West Allis, WI 53214, by 5:00 p.m. on January 30, 2014.

Very truly yours,

A handwritten signature in cursive script that reads "Jenna Merten".

Jenna Merten
Assistant City Attorney

Enclosure

CC: Ann Neff

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

**In the Matter of the
Complaint Against**

**AMENDED FINDINGS OF FACT,
CONCLUSION OF LAW, AND
RECOMMENDATION**

**SCARDINA BAKERY & DELICATESSEN, INC.,
By President Vince Scardina**

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Upon deliberation and consideration of the complaint presented at the License and Health recess meeting held on September 3, 2013 and the License and Health meeting held on January 21, 2014, the Committee finds:

FINDINGS OF FACT:

1. That Scardina Bakery & Delicatessen, Inc., by President Vince Scardina, was properly served a copy of the summons and complaint;
2. That Vince Scardina admitted to the allegations that were stated in the complaint and, thus, the allegations in the complaint are considered to be true;
3. That the conduct of Scardina Bakery & Delicatessen, Inc. described in the complaint substantially relates to the food-related permitted activity contrary to West Allis Revised Municipal Ordinance Section 1.08(9)(a);
4. That in particular, Scardina Bakery & Delicatessen, Inc.'s failure to pay its personal property taxes in full from 2008-2012 and real estate taxes in full from 2004-2012 is contrary to West Allis Revised Municipal Ordinance Section 1.08(9)(a);

CONCLUSION OF LAW:

1. That the foregoing constitutes a sufficient basis to not renew the Food-Related Permit of Scardina Bakery & Delicatessen, Inc.

RECOMMENDATION:

1. Therefore, the License and Health Committee recommends to the Common Council of the City of West Allis that the Food-Related Permit of Scardina Bakery & Delicatessen, Inc. be revoked and not renewed if the personal property taxes owed by Scardina Bakery & Delicatessen, Inc., including the 2013 personal property taxes, are not paid in full by cash or certified funds on or before February 4, 2014 and the real estate taxes owed by Scardina Bakery & Delicatessen, Inc., including the 2013 real estate taxes, are not paid in full by cash or by certified funds on or before March 4, 2014.

Dated at this 27 day of JANUARY, 2014.

By: 

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

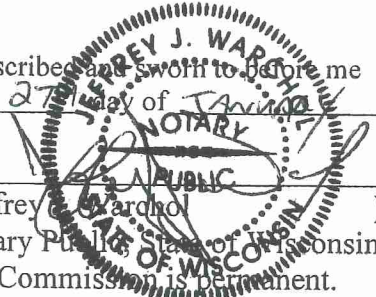
AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
 : ss
MILWAUKEE COUNTY)

I, Kristin D. Palmer, being first duly sworn on oath say that I am an employee of the City of West Allis and not a party of this action; that on the 27th day of January, 2014, in the State of Wisconsin, County of Milwaukee, I mailed the **Amended Findings of Fact, Conclusion of Law and Recommendation (City of West Allis vs. Scardina Bakery & Delicatessen, Inc.)** and supporting documents first class, postage prepaid, to the following named person(s) at the following address(es):

**SCARDINA BAKERY & DELICATESSEN, INC.
c/o President Vince Scardina
5901 West Beloit Road
West Allis, WI 53219**

Kristin D. Palmer
Kristin D. Palmer

Subscribed and sworn to before me
this 27th day of January, 2014.

(Jeffrey J. Warchol)
Notary Public, State of Wisconsin
My Commission is permanent.

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