

52.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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2009-0570      Summons and Complaint (Licensing)      In Committee

Summons and Complaint in the matter of the complaint against Tri-Corp Housing, Michael S. Brever, Agent relative to Food-Related Permit.

Introduced: 9/1/2009

Controlling Body: License & Health Committee

*ppt pd in  
full 8.27.09  
ok per Jeff Warchol  
for Food Permit  
place on file*

COMMITTEE RECOMMENDATION place on file

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>9-1-09</u>			Barczak	✓			
			Czaplewski	✓			
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
	✓		Roadt	✓			
			Sengstock	✓			
			Vitale				
		✓	Weigel	✓			
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

*[Signature]*

Chair \_\_\_\_\_ Vice-Chair \_\_\_\_\_ Member \_\_\_\_\_

COMMON COUNCIL ACTION place on file

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>9-1-09</u>	✓	✓	Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>			

*unanimous*

**STANDING COMMITTEES OF THE  
CITY OF WEST ALLIS COMMON COUNCIL**

**ADMINISTRATION & FINANCE**

Chair: Kurt E. Kopplin  
Vice-Chair: Vincent Vitale  
Thomas G. Lajsic  
Richard F. Narlock  
Rosalie L. Reinke

**PUBLIC WORKS**

Chair: Gary T. Barczak  
Vice-Chair: Martin J. Weigel  
Michael J. Czaplewski  
Daniel J. Roadt  
James W. Sengstock

**SAFETY & DEVELOPMENT**

Chair: Thomas G. Lajsic  
Vice-Chair: Richard F. Narlock  
Kurt E. Kopplin  
Rosalie L. Reinke  
Vincent Vitale

**LICENSE & HEALTH**

Chair: Michael J. Czaplewski  
Vice-Chair: James W. Sengstock  
Gary T. Barczak  
Daniel J. Roadt  
Martin J. Weigel

**ADVISORY**

Chair: Rosalie L. Reinke  
Vice-Chair: Daniel J. Roadt  
Kurt E. Kopplin  
Richard F. Narlock  
Vincent Vitale

IN THE MATTER OF THE COMPLAINT AGAINST TRI-CORP HOUSING; CITY OF WEST ALLIS v.  
TRI-CORP HOUSING, MICHAEL BREVER, agent

State of Wisconsin )

: ss

AFFIDAVIT OF SERVICE

Milwaukee County )

CPL. RANDAL R. HOLMES, 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.

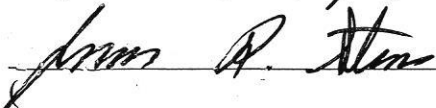
2. That on August 27, 2009 at 1:15 o'clock P.m., at 6700 W. BELOIT RD, West Allis, Milwaukee, Wisconsin, affiant served a copy of this **Summons and Complaint** on the Defendant by personally delivering to and leaving a copy of same with:

a) BOBIE HALL, a(n) officer, director, managing agent or registered agent of defendant corporation.

b) \_\_\_\_\_, who appeared to the affiant to be in charge of the office of New Samaria / Tri-Corp Housing

  
(Signature of person serving papers)

Subscribed and sworn to before me  
this 27 day of AUGUST, 2009.

  
)

Notary Public, State of Wisconsin

My Commission: 2-13-2011

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

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**In the Matter of the  
Complaint Against**

**SUMMONS**

**Tri-Corp Housing, Inc.,  
Michael S. Brever, agent  
1635 South 8<sup>th</sup> Street  
Milwaukee, Wisconsin 53204**

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STATE OF WISCONSIN        )  
  ) SS.  
COUNTY OF MILWAUKEE    )

**THE WEST ALLIS COMMON COUNCIL TO MICHAEL S. BREVER:**

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 Food-Related Permit, pursuant to the provisions of West Allis Revised Municipal Ordinances 1.08 (9) and 7.04 and Wisconsin Statutes §§ 97.30, 254.69 and 254.74

**NOW THEREFORE**, you, Michael S. Brever, 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 1, 2009, 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

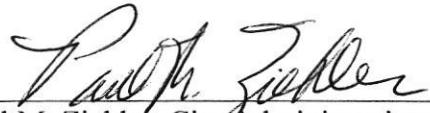
license(s) be suspended or revoked will be made to the full Common Council. The Common Council may then vote to suspend, revoke, or not renew your license(s).

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 26<sup>th</sup> day of August, 2009.

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**

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**In the Matter of the  
Complaint Against**

**COMPLAINT**

**Tri-Corp Housing, Inc.,**

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STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF MILWAUKEE )

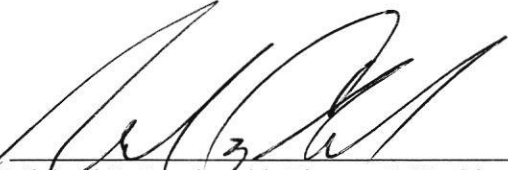
Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against Tri-Corp Housing, Inc. as follows:

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, the West Allis Health Department, and the West Allis City Clerk's office, which records complainant believes to be reliable and accurate.
3. That Tri-Corp Housing, Inc. is the holder of a Food-Related Permit to sell/serve food under Chapter 97 and 254, Wis. Stat., issued by the West Allis Common Council for the license period beginning July 1, 2009, and ending June 30, 2010.
4. That according to the records of the City of West Allis, the above-named defendant was assessed a personal property tax in the amount of \$1,147.87 in 2007.
5. That according to the records of the City of West Allis, the above-named defendant was assessed a personal property tax in the amount of \$1,273.29 in 2008.

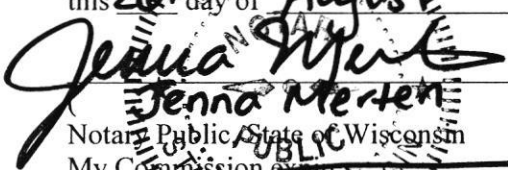

6. That as of today's date, despite several notices that payment was due, the defendant has not paid the personal property taxes owed to the City of West Allis.
7. That Tri-Corp Housing, Inc.'s failure to pay its personal property taxes substantially relates to the licensed activity and is in violation of West Allis Revised Municipal Ordinance 1.08(9) and Wisconsin Statutes §§ 97.30, 254.69 and 254.74, and, therefore, is grounds for non-renewal, suspension, or revocation of its Food-Related Permit.

WHEREFORE, Michael J. Czaplewski, requests that Tri-Corp Housing, 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 Food-Related Permit of Tri-Corp Housing, Inc. should be revoked, suspended, or not renewed.

Dated at this 26 day of Aug, 2009.

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

Subscribed and sworn to before me  
this 26th day of August, 2009.

  
Jenna Merten )  
Notary Public, State of Wisconsin  
My Commission Expires \_\_\_\_\_ is permanent  




**CITY CLERK/TREASURER'S OFFICE**

414/302-8200 or 414/302-8207 (Fax)

[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)

**Paul M. Ziehler**

*City Admin. Officer, Clerk/Treasurer*

**Monica Schultz**

*Assistant City Clerk*

**Rosemary West**

*Treasurer's Office Supervisor*

August 24, 2009

Michael Brever  
East Samaria/Tri-Corp Housing  
6640 W. Beloit Rd.  
West Allis, WI 53219

Dear Mr. Brever:

Please note that your permit to operate East Samaria/Tri-Corp Housing is being withheld due to your failure to pay Personal Property Taxes owed to the City of West Allis. As of July 1, 2009, you are operating your establishment without a license and in violation of the City's ordinances.

As a result of the above, the Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, September 1, 2009, at 6:30 P.M. in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., West Allis, WI. **This is the Third Request.** Failure to appear may result in the City commencing an action seeking the ultimate revocation of your license. The Committee will inform you of the process for this matter at the meeting of September 1, 2009.

Sincerely,

Monica Schultz  
Assistant City Clerk

/amn



CITY OF WEST ALLIS  
R E P R I N T

\*\*\* CUSTOMER RECEIPT \*\*\*

Oper: #2 REGISTE Type: OC Drawer: 1  
Date: 8/28/09 01 Receipt no: 79323

Customer	Location Name	Amount
TX	536650 EAST SAMARIA/TRI-COR TAX PAYMENTS	\$2881.99
Trans number:		764259

PAID INF ULL - NEW SAMARIA  
PIF - PIP

Tender detail		
CK CHECK PAY	5075	\$2881.99
Total tendered		\$2881.99
Total payment		\$2881.99

Trans date: 8/27/09 Time: 16:18:07

\*\*\* THANK YOU FOR YOUR PAYMENT \*\*\*