



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2007-0728 Summons and Complaint (Licensing) In Committee

Summons and Complaint in the matter of the complaint against Marshall IGA, Inc., Michael McArdle, Agent for the premises located at 1520 S. 84 St., d/b/a Cigarette Depot (2007-2008 Cigarette License no. 484).

Introduced: 11/27/2007

Controlling Body: License & Health Committee

POT

COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>NOV 27 2007</u>	_____	_____	Barczak				
	_____	_____	Czaplewski	✓			
	_____	_____	Dobrowski	✓			
	_____	_____	Kopplin	✓			
	_____	_____	Lajsic				
	_____	_____	Narlock	✓			
	_____	_____	Reinke				
	_____	_____	Sengstock	✓			
	_____	_____	Vitale				
	_____	_____	Weigel				
		TOTAL		<u>5</u>	<u>-</u>		<u>-</u>

SIGNATURE OF COMMITTEE MEMBER

Gust Kopplin _____ _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>DEC 04 2007</u>	_____	_____	Barczak				
	_____	_____	Czaplewski				
	_____	_____	Dobrowski				
	_____	_____	Kopplin				
	_____	_____	Lajsic				
	_____	_____	Narlock				
	_____	_____	Reinke				
	_____	_____	Sengstock <i>MC</i>				✓
	_____	_____	Vitale				
	_____	_____	Weigel				
		TOTAL					<u>1</u>

unanimous

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

**In the Matter of the
Complaint Against**

SUMMONS

**MARSHALL IGA, INC.
D/b/a CIGARETTE DEPOT
Michael McArdle, agent,
12720 Sheridan Road
Pleasant Prairie, Wisconsin 53158**

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

**THE WEST ALLIS COMMON COUNCIL TO MARSHALL IGA, INC., D/B/A
CIGARETTE DEPOT:**

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 Cigarette & Tobacco Product License, pursuant to the provision of sec. 125.12, Stats.

NOW THEREFORE, you, Michael McArdle, as agent for Marshall IGA, Inc., d/b/a Cigarette Depot, 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 the 27th of November, 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 or revoked 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 15th day of November, 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

**Marshall IGA, Inc.
D/b/a Cigarette Depot
Michael McArdle, agent,
12720 Sheridan Road
Pleasant Prairie, Wisconsin 53158**

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

Kurt E. Kopplin, being duly sworn, on oath deposes and states as a complaint against Marshall IGA, Inc., d/b/a Cigarette Depot 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, which records complainant believes to be reliable and accurate.
3. That Marshall IGA, Inc., d/b/a Cigarette Depot is the holder of Cigarette & Tobacco Product License No. 484 issued by the West Allis Common Council for the license period beginning July 1, 2007, and ending June 30, 2008, for the premises located at 1520 S. 84th Street, West Allis, Wisconsin.
4. That Michael McArdle is the registered agent of Marshall IGA, Inc.
5. That on August 18, 2007, at 1520 S. 84th Street, West Allis, Wisconsin, Marshall

IGA, Inc., d/b/a Cigarette Depot 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 on August 10, 2005, at 1520 S. 84th Street, West Allis, Wisconsin, Marshall IGA, Inc., d/b/a Cigarette Depot 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.

7. That Marshall IGA, Inc., d/b/a Cigarette Depot has violated the provisions of §134.66, Wis. Stat. of the Wisconsin Statutes and §6.02 of the West Allis Revised Municipal Code.

WHEREFORE, Kurt E. Kopplin requests that Michael McArdle, as agent for Marshall IGA, Inc., d/b/a Cigarette Depot, 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 & Tobacco Product License of Marshall IGA, Inc., d/b/a Cigarette Depot should be revoked or not renewed.

Dated at this 1st day of November, 2007.

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

Subscribed and sworn to before me
this 1st day of November, 2007.

Kristin D. Palmer
(KRISTIN PALMER)
Notary Public, State of Wisconsin
My Commission expires: 11/08

CLW/kp
L:\chery\L&H\Complaint-Cigarette Depot

State of Wisconsin

County of: Milwaukee

Affidavit of Process Server

Check here if: DILHR or _____ USDC Dist. of _____

RECEIVED
NOV 27 2007
WEST ALLIS
CITY ATTORNEY

Court/Appearance Date: 11/27/07
City of West Allis

Case Number _____
Marshall IGA, d/b/a Cigarette McArdle

Vs

I the undersigned, am an adult resident of the state and not a party to the action. I hereby swear that on November 23, 2007 at 11:15 a.m. I duly served/attempted to serve, (see non service section)

NAME Marshall IGA, Inc., d/b/a Cigarette Depot; c/o Michael W. McArdle, Registered Agent

<input checked="" type="checkbox"/>	DEFENDANT	<input type="checkbox"/>	PETITIONER	<input type="checkbox"/>	OTHER ATTEMPTED DATES
<input type="checkbox"/>	GARNISHEE DEFENDANT	<input type="checkbox"/>	RESPONDENT		
<input type="checkbox"/>	PLAINTIFF	<input type="checkbox"/>	WITNESS		

by serving Michael W. McArdle Registered Agent at _____
 Name Title/Relationship
 Home 3414 13th Street City of Winthrop Harbor, Illinois (Lake County) Wisconsin
 Business _____ Wisconsin

Manner of Service:

- Personal Service
- Corporate Service: by leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.
- After diligent search and inquiry, having made _____ attempts by leaving true & correct copies of the above documents with a competent occupant of the residence over the age of 14, and informed that person of the contents thereof. (See other Attempt Dates)
- By posting copies in a conspicuous manner to the address of the person/entity being served. (Use only for evictions)
- Copies of the documents were mailed by prepaid, first class mail on: _____ DATE _____ FROM _____

NonService: after due search, careful inquiry and diligent attempts at the address(s) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- | | | |
|--|--|--|
| <input type="checkbox"/> Unknown at address | <input type="checkbox"/> Moved no forwarding | <input type="checkbox"/> Refuses to cooperate in acceptance |
| <input type="checkbox"/> Address does not exist | <input type="checkbox"/> Evading | <input type="checkbox"/> Service canceled by litigant |
| <input type="checkbox"/> Not home three attempts | <input type="checkbox"/> Unable to serve in a timely fashion | <input type="checkbox"/> Search was conducted, whereabouts unknown |

Type of Documents:

- | | |
|---|--|
| <input type="checkbox"/> SUMMONS & COMPLAINT - REPLEVIN | <input type="checkbox"/> ORDER TO SHOW CAUSE & AFFIDAVIT |
| <input checked="" type="checkbox"/> AUTHENTICATED SUMMONS & COMPLAINT | <input type="checkbox"/> GARNISHEE SUMMONS & COMPLAINT EARNINGS - NON EARNINGS |
| <input type="checkbox"/> EVICTION: SUMMONS & COMPLAINT | <input type="checkbox"/> SUBPOENA - SUBPOENA DUCES TECUM |
| <input type="checkbox"/> NOTICE OF MOTION & MOTION/AFFIDAVIT | <input type="checkbox"/> SUMMONS AND PETITION |
| <input type="checkbox"/> OTHER: _____ | <input type="checkbox"/> NOTICE OF/TERMINATING TENANCY/PAY OR QUIT |
| | <input type="checkbox"/> WRITTEN INTERROGATORIES & REQUEST FOR PRODUCTION OF DOCUMENTS |

At the time of service, I did place upon it the date, time, and my name, leaving a true and correct copy thereof, and that the server knew the person so served to be the defendant (or other) mentioned and named therein.

NUMBER OF ATTEMPTS 4 NUMBER OF ADDRESSES ATTEMPTED (if more than one) 3

SERVICE FEE \$ 60.00 WITNESS FEE \$ _____

FILING FEE \$ _____ SEARCH FEE \$ _____

TOTAL FEE \$ 60.00 MILEAGE \$ _____

Server's Name Bobbi L. Zidar
(print)

Server's Signature 

Subscribed and sworn to before me
This 26 day of NOVEMBER, 2007
Carlton Manville

NOTARY PUBLIC, State of Wisconsin
My Commission expires 1-24-2010



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LICENSE AND HEALTH COMMITTEE
CITY OF WEST ALLIS**

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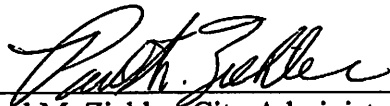
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By: 
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Dated at this 1st day of November, 2007.

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

Subscribed and sworn to before me this 1st day of November, 2007.

Kristin D. Palmer
(KRISTIN D. PALMER)
Notary Public, State of Wisconsin
My Commission expires: 11/08

CLW/kp
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