

124.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2006-0106 Summons and Complaint (Licensing) In Committee

Summons and Complaint in the matter of the complaint against Franklyn J. Perko for the premises located at 5401 W. Burnham St., d/b/a Perko's (2005-2006 Class B Tavern License renewal application no. 116).

Introduced: 2/28/2006

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG 07 2007			Barczak				
		✓	Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
		✓	Sengstock	✓			
			Vitale				
			Weigel				
		TOTAL		5	1		

SIGNATURE OF COMMITTEE MEMBER

 Chair

 Vice-Chair

 Member

PLACE ON FILE

COMMON COUNCIL ACTION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG 07 2007			Barczak				✓
			Czaplewski	✓			
			Dobrowski	✓			
		✓	Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
		TOTAL		9			1

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**

**In the Matter of the
Complaint Against**

SUMMONS

**FRANKLYN J. PERKO,
Premises formerly located at
5401 West Burnham Street
West Allis, Wisconsin 53219**

STATE OF WISCONSIN)
) SS.
COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO FRANKLYN J. PERKO:

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 B Intoxicating Liquor License and Class B Fermented Malt Beverage License, pursuant to the provision of sec. 125.12, Stats.

NOW THEREFORE, you, Franklyn J. Perko., 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 28th of February, 2006, 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 17th day of February, 2006.

WEST ALLIS COMMON COUNCIL

By: Paul H. Ziehler
Paul 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

**Franklyn J. Perko
 Premises formerly located at
 5401 West Burnham Street
 West Allis, Wisconsin 53219**

STATE OF WISCONSIN)
) ss.
 COUNTY OF MILWAUKEE)

Kurt E. Kopplin, being duly sworn, on oath deposes and states as a complaint against Franklyn J. Perko 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 Franklyn J. Perko is the holder of a Class B Intoxicating Liquor License and Class B Fermented Malt Beverage License under West Allis Tavern License No. 116 for the license year of July 1, 2005 to June 30, 2006. Further, that said license was never issued to Franklyn J. Perko due to failure to comply with the conditions required for issuance of a license. That on May 31, 2005 Franklyn J. Perko filed with the West Allis Clerk/Treasurer an application for renewal of the Class B Fermented Malt Beverage and Class B Intoxicating Liquor Licenses for the property

at 5401 West Burnham Street noting on said application that the premises had been "closed for a year."

4. That Franklyn J. Perko has not conducted his license business at the property located at 5401 West Burnham Street for a period in excess of 30 days contrary to section 9.02(9)(c) of the West Allis Revised Municipal.

WHEREFORE, Kurt E. Kopplin requests that Franklyn J. Perko be summoned to appear before the License and Health Committee of the West Allis Common Council to answer this complaint and, if he denies the material allegations, that a hearing be held to determine whether the Class B Tavern License of Franklyn J. Perko should be revoked or not renewed.

Dated at this 19th day of January, 2006.

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

Subscribed and sworn to before me
this 19 day of January, 2006.

Scott [Signature]
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Notary Public, State of Wisconsin
My Commission expires: permanant

SEP/kp
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