



# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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2006-0485      Summons and Complaint (Licensing)      In Committee

Summons and Complaint in the matter of the complaint against Frank L. Altenbach for the premises located at 6215 W. National Ave., d/b/a Steel Horse (2005-2006 Class B Tavern License no. 100).

Introduced: 8/1/2006

Controlling Body: License & Health Committee

### COMMITTEE RECOMMENDATION

ACTION  
DATE:  
SEP 26 2006

MOVER	SECONDER	
		Barczak
		Czaplewski
		Dobrowski
		Kopplin
		Lajsic
	✓	Narlock
✓		Reinke
		Sengstock
		Vitale
		Weigel

AYE	NO	PRESENT	EXCUSED
✓			
✓			
✓			
✓			

TOTAL

5

0

### SIGNATURE OF COMMITTEE MEMBER

*Kurt Kopplin*

Chair

Vice-Chair

Member

### COMMON COUNCIL ACTION

**PLACE ON FILE**

ACTION  
DATE:  
OCT 03 2006

MOVER	SECONDER	
		Barczak
		Czaplewski
	✓	Dobrowski
		Kopplin
		Lajsic
✓		Narlock
		Reinke
		Sengstock
		Vitale
		Weigel

AYE	NO	PRESENT	EXCUSED

**UNANIMOUS**

TOTAL

**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**

Hold  
till 9-1-06

**In the Matter of the  
Complaint Against**

**SUMMONS**

**FRANK L. ALTENBACH, d/b/a STEEL HORSE<sup>1</sup>  
6215 West National Avenue  
West Allis, Wisconsin 53214**

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

**THE WEST ALLIS COMMON COUNCIL TO FRANK L ALTENBACH, d/b/a STEEL  
HORSE:**

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

**NOW THEREFORE**, you, Frank L. Altenbach, d/b/a Steel Horse 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 24<sup>th</sup> of July, 2006, 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, 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 19<sup>th</sup> day of July, 2006.

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**

**Frank L. Altenbach, d/b/a Steel Horse  
6215 West National Avenue  
West Allis, Wisconsin 53214**

---

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

Kurt E. Kopplin, being duly sworn, on oath deposes and states as a complaint against Steel Horse 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 Steel Horse applied for the 2006 – 2007 Class B Tavern License, under license application No. 100 for the premises located at 6215 West National Avenue.
4. That Frank L. Altenbach, d/b/a Steel Horse removed itself from the premises at 6215 West National Avenue.
5. That since Frank L. Altenbach, d/b/a Steel Horse's removal from the premises at 6215 West National Avenue, it has conducted no business at said premises since July 1, 2005.

6. That Steel Horse has failed to conduct a license business at an authorized location for a period of at least 30 consecutive days contrary to section 9.02(9)(c) of the West Allis Revised Municipal Code.
7. That Steel Horse has not had a required annual health inspection done at the premises located at 6215 West National Avenue pursuant to section 7.04(7) of the West Allis Revised Municipal Code since April 29, 2005 and was put out of business after failing to renew their food license on July 1, 2005.
8. That the City of West Allis Safety and Development Committee terminated the Special Use Permit for Steel Horse on January 17, 2006 due to failure to meet the special use conditions.
9. According to the State of Wisconsin Department of Revenue, as of May 23, 2005, Steel Horse does not have a valid seller's permit.

**WHEREFORE,** Kurt E. Kopplin requests that Frank L. Altenbach, d/b/a Steel Horse 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 Class B Fermented Malt Beverage License and Class B Intoxicating Liquor License of Frank L. Altenbach, d/b/a Steel Horse should be revoked or not renewed.

Dated at this 18<sup>th</sup> day of July, 2006.

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

Subscribed and sworn to before me  
this 18<sup>th</sup> day of July, 2006.

Darlyn M. Adams  
( DARLYN M. ADAMS )

Notary Public, State of Wisconsin  
My Commission expires: 12/10/06



State of Wisconsin

County of : Milwaukee

# Affidavit of Process Server

Check here if: DILHR or \_\_\_\_\_ USDC Dist. of \_\_\_\_\_

Court/Appearance Date: 07/24/06

Case Number \_\_\_\_\_

City of West Allis Common Council

Frank L. Altenbach

Vs \_\_\_\_\_

I the undersigned, am an adult resident of the state and not a party to the action. I hereby swear that on July 21, 2006 at 5:45 p.m.  
I duly served/or attempted to serve, (see non service section)

NAME Frank L. Altenbach

<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 Frank L. Altenbach at \_\_\_\_\_  
Name Title/Relationship  
Home \_\_\_\_\_ Wisconsin  
Business 6215 W. National Ave. City of West Allis 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 cancelled 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 <u>7</u>	NUMBER OF ADDRESSES ATTEMPTED (if more than one) <u>2</u>
SERVICE FEE \$ <u>37.00</u>	WITNESS FEE \$ _____
FILING FEE \$ _____	SEARCH FEE \$ _____
TOTAL FEE \$ <u>37.00</u>	MILEAGE \$ _____

Server's Name Bobbi L. Zidar  
(print)

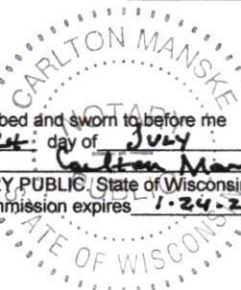
Server's Signature [Signature]

Subscribed and sworn to before me

This 24 day of July, 20 06

NOTARY PUBLIC, State of Wisconsin

My Commission expires 1-24-2010





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

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**In the Matter of the  
Complaint Against**

**SUMMONS**

**FRANK L. ALTENBACH, d/b/a STEEL HORSE  
6215 West National Avenue  
West Allis, Wisconsin 53214**

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

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Dated at West Allis, Wisconsin, this 19<sup>th</sup> day of July, 2006.

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**

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6215 West National Avenue  
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  ) ss.  
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Dated at this 18<sup>th</sup> day of July, 2006.

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

Subscribed and sworn to before me  
this 18<sup>th</sup> day of July, 2006.

Darlyn M. Adams  
( DARLYN M. ADAMS )

Notary Public, State of Wisconsin  
My Commission expires: 12/10/06







**WEST ALLIS**

7525 West Greenfield Avenue  
West Allis, Wisconsin 53214-4688

City Clerk/Treasurer

*9-26 appearance*



*FUE*

Frank L. Altenbach  
6215 W. National Ave.  
West Allis, WI 53214

NIXIE 530 1 05 09/21/06

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 53214468899

\*0725-10868-18-42



53214+3049-18-4688





7525 West Greenfield Avenue  
West Allis, Wisconsin 53214-4688



**CITY CLERK/TREASURER OFFICE**

**Paul M. Ziehler**  
*City Administrative Officer  
Clerk/Treasurer*

**Rosemary West**  
*Treasurer's Office Supervisor  
Senior Accountant*

**Monica Schultz**  
*Assistant City Clerk*

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

City Hall  
7525 West Greenfield Avenue  
West Allis, Wisconsin 53214

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

September 19, 2006

Frank L. Altenbach  
6215 W. National Ave.  
West Allis, WI 53214

Dear Mr. Altenbach:

The Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, September 26, 2006, at 6:00 P.M. in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., regarding your 2005-2006 and 2006-2007 Class B Tavern License applications.

Sincerely,

*Monica Schultz/amn*

Monica Schultz  
Assistant City Clerk

/amn





7525 West Greenfield Avenue  
West Allis, Wisconsin 53214-4688



**CITY CLERK/TREASURER OFFICE**

**Paul M. Ziehler**  
*City Administrative Officer  
Clerk/Treasurer*

**Rosemary West**  
*Treasurer's Office Supervisor  
Senior Accountant*

**Monica Schultz**  
*Assistant City Clerk*

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

City Hall  
7525 West Greenfield Avenue  
West Allis, Wisconsin 53214

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

October 6, 2006

Frank L. Altenbach  
5129 W. Beloit Rd.  
West Milwaukee, WI 53214

Dear Mr. Altenbach:

On October 3, 2006, the Common Council denied your 2005-2006 and 2006-2007 Class B Tavern License renewal application based on 2 (two) nonappearances.

Sincerely,

Monica Schultz  
Assistant City Clerk

amn