

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

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**In the Matter of the  
Complaint Against**

**COMPLAINT**

**Morgan Murphy Enterprises, LLC,  
c/o Mary Jo Burback,  
d/b/a Tap 58**

---

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

Sally Nusslock, being duly sworn, on oath deposes and states as a complaint against Morgan Murphy Enterprises, LLC as follows:

1. That the complainant is the Health Commissioner for the City of West Allis.
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 Morgan Murphy Enterprises, LLC is the holder of a Food-Related Permit to sell/serve food under Chapter 97 and 254, Wis. Stat., issued by the West Allis Health Department and is located at 5732 West Mitchell Street, West Allis, Wisconsin. The permit is a restaurant-prepackaged permit, which pursuant to Wisconsin Administrative Code Section 196.03(4m), means Morgan Murphy Enterprises, LLC can serve only individually wrapped single food servings that are prepared and packaged off-premise by a licensed processor with preparation on the premise limited to heating and serving.
4. That Mary Jo Burback is the registered agent of Morgan Murphy Enterprises, LLC and is the agent for its food permit.

5. That Morgan Murphy Enterprises, LLC does business under the trade name “Tap 58.”
6. That on March 17, 2014, Environmentalist Laura Temke inspected the premises at Tap 58 and discovered that garbage was being stored outside the tavern’s refuse enclosure, that the refuse and recycling enclosures were filled beyond capacity, and garbage was accessible to insects and rodents, contrary to West Allis Revised Municipal Code (hereinafter “WARMC”) Sections 7.05(3)(b), 7.05(4)(b)3, and 7.04(2), adopting Sections 5-501.16(A), 5-501.110, and 5-501.112(A) of the Wisconsin Food Code.
7. That due to the violations, Temke issued an order to abate public nuisance and issued a citation to Tap 58.
8. That on November 19, 2014, Temke received a complaint from a citizen that Tap 58’s garbage was overflowing and that bags of garbage were piled in the back yard. The citizen told Temke that she observed rats running around the back yard area of Tap 58.
9. That on November 20, 2014 and November 21, 2014, upon inspection, Temke discovered that garbage was being stored outside Tap 58’s refuse enclosure, that the refuse and recycling enclosures were filled beyond capacity, and garbage was accessible to insects and rodents, contrary to WARMC Sections 7.05(3)(b), 7.05(4)(b)3, and 7.04(2), adopting Sections 5-501.16(A), 5-501.110, and 5-501.112(A) of the Wisconsin Food Code.
10. That during that same inspection, inside the premises, Temke discovered food stored in the back room; nacho cheese, toppings such as jalapenos and sour cream, and numerous condiments such as catsup, mustard, and mayonnaise in the refrigerator on the premises; a party tray full of rice; and a small home-style fryer on top of the

refrigerator, contrary to WARMC Section 7.04(11). Furthermore, she located an ashtray containing cigarette butts and an odor of cigarette smoke in the air, contrary to WARMC Sections 7.032(4)(a) and 7.032(8) adopting Wis. Stat. § 101.123(2m)(b).

11. That due to the violations, Temke wrote a health inspection report outlining the violations and issued citations for the garbage violations on November 20 and 21. The health inspection report was given to the person in charge of Tap 58 on November 21, 2014. See Exhibit 1.
12. That on November 25, 2014, Temke examined Tap 58's Facebook page and discovered numerous pictures of food and references to food being served at the tavern. A status update written on that same date indicated that Tap 58 planned to serve a Thanksgiving meal to its patrons; a status update written on November 9 indicated that the bar was going to serve "bear-meat nachos"; a status update written on October 25 indicated that the writer was going to make lunch for patrons in the pool tournament; on October 11 and 12, a status update was written about serving chicken enchiladas during the Packer game and a picture was posted of the enchiladas; on October 5, 2014, a status update was posted to inform its patrons that Tap 58 was hosting a corn roast on that day. See Exhibit 2.
13. Due to the plan to serve a Thanksgiving meal, Temke notified the West Allis Police Department. Lieutenant Nick Pye went to Tap 58 and notified David Burbach that serving such a meal would be outside the scope of Tap 58's food permit.
14. That on November 26, 2014, Temke inspected the premises again and discovered 10 pounds of raw ground beef and numerous condiments, contrary to WARMC Section 7.04(11). She also discovered an ashtray containing cigarette butts, contrary to WARMC Sections 7.032(4)(a) and 7.032(8) adopting Wis. Stat. § 101.123(2m)(b).

15. That due to the continued violations, Temke issued a cease and desist order to Tap 58 to stop serving all illegal food and issued an order to abate the public health nuisance for the garbage. The orders were issued to Mary Groiss, who was the person in charge of Tap 58, on November 26, 2014. See Exhibits 3 and 4.
16. That on December 1, 2014, Temke observed that the refuse and recycling enclosures were filled beyond capacity and garbage was accessible to insects and rodents at Tap 58, contrary to WARMC Sections 7.05(4)(b)3 and 7.04(2), adopting Sections 5-501.16(A), 5-501.110, and 5-501.112(A) of the Wisconsin Food Code.
17. That on December 11, 2014, Temke received a citizen complaint that Tap 58 was still serving food and served food during every Packer game.
18. That on December 14, 2014, to verify the complaint, Temke went to Tap 58 and discovered food out in the back room for the public. The food included hamburger buns, Sloppy Joe meat in a crock pot, and homemade potato salad, contrary to WARMC Section 7.04(11). Additionally, Temke discovered a frozen turkey in the freezer and an empty ashtray placed in the back room, contrary to WARMC Sections 7.04(11) and 7.032(8), adopting Wis. Stat. § 101.123(2m)(b).
19. That the conduct of Morgan Murphy Enterprises, LLC is contrary to WARMC Sections 7.032(4)(a), 7.032(8), 7.04(2), 7.04(11), 7.05(3)(b) and 7.05(4)(b)3 and Sections 5-501.16(A), 5-501.110, and 5-501.112(A) of the Wisconsin Food Code; substantially relates to the licensed/permitted activity; and is grounds for non-renewal, suspension, or revocation of its Food-Related Permit/License.

**WHEREFORE**, Sally Nusslock, requests that Morgan Murphy Enterprises, LLC, c/o registered agent Mary Jo Burbach, 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/License of Morgan Murphy Enterprises, LLC should be revoked, suspended, or not renewed.

Dated at this 22 day of December, 2014.

By: Sally Nusslock  
Sally Nusslock  
Health Commissioner

Subscribed and sworn to before me  
this 22 day of December, 2014.

Patricia J. Findley  
Notary Public, State of Wisconsin  
My Commission expires: March 12, 2017





### Foodservice Establishment Inspection Report

<b>Establishment Information</b>	
Facility Name TAP 58	Facility Type Restaurant
Facility ID # GSAC-9CWJUM	Facility Telephone # 414
Facility Address 5732 W MITCHELL ST WEST ALLIS, WI 53214	
Licensee Name MORGAN MURPHY ENTERPRISES LLC	Licensee Address 5732 W MITCHELL ST WEST ALLIS, WI 53219

<b>Inspection Information</b>		
Inspection Type Routine	Inspection Date November 21, 2014	Total Time Spent

<b>Equipment Temperatures</b>	
Description	Temperature (Fahrenheit)
Walk-in cooler	30F
Bar cooler	38F
Homestyle cooler/freezer	35F/0F

<b>Warewashing Info</b>					
Machine Name	Sanitization Method	Thermo Label	PPM	Sanitizer Name	Sanitizer Type
3-compartment sink	Manual		NSU	Bleach	

**OPERATOR** - The violations in operating procedure or physical arrangement indicated below must be corrected by the next routine inspection or by a date specified in this report.

<b>Observed Violations</b>
<p><b>Total # 3</b></p> <p><b>Risk/Intervention - 08 - Adequate handwashing facilities supplied and accessible</b>  <b>OBSERVATION: (CORRECTED DURING INSPECTION):</b> There were rags and a bowl in the hand wash sink. Keep sink accessible at all times.  <b>CORRECTIVE ACTION(S):</b> Keep handwashing sink free of obstructions and in working condition at all times to allow for frequent handwashing.  <b>CODE CITATION:</b> 5-205.11 (A) A HANDWASHING SINK shall be maintained so that it is accessible at all times for EMPLOYEES use. [Pf]            (B) A HANDWASHING SINK may not be used for purposes other than handwashing except as specified in § 2-301.15. [Pf]            (C) An automatic handwashing facility shall be used in accordance with manufacturer's instructions. [Pf]</p> <p><b>Good Retail Practices - 46 - Warewashing facilities: installed, maintained, &amp; used: test strips</b>  <b>OBSERVATION:</b> A bleach/chlorine test kit is not available for checking sanitizer concentrations.</p>

p. 1 of 4  
 Exhibit 7

**RESTAURANT/RETAIL INSPECTION REPORT**

Business Name <b>Tap 58</b>		Business Address <b>5732 W Mitchell St.</b>		County	License ID Number
Name of Legal Licensee <b>Morgan Murphy Ent. LLC</b>		Mailing Address of Legal Licensee		Telephone Number	
Current Date <b>11/21/14</b>	Date of Last Inspection	Release Date	Type of Establishment <input checked="" type="checkbox"/> Restaurant <input type="checkbox"/> Retail		Is operator certified? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
INSPECTION TYPE (check one) <input type="checkbox"/> Complaint <input type="checkbox"/> Downtime <input type="checkbox"/> Visit/No Action <input type="checkbox"/> Onsite Visit <input type="checkbox"/> Other		ACTION TAKEN (check one) <input type="checkbox"/> License Suspended <input type="checkbox"/> Revoke <input type="checkbox"/> Other		<input checked="" type="checkbox"/> Operational <input type="checkbox"/> Conditional <input type="checkbox"/> Withhold	
Reinspection Fee Charged <input type="checkbox"/> Yes <input type="checkbox"/> No		Name of Certified Food Manager <b>NA</b>			

**FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS**

Compliance Status		COS	R	Compliance Status		COS	R
<b>Demonstration of Knowledge</b>				<b>Potentially Hazardous Food Time/Temperature</b>			
1	IN OUT NA			16	IN OUT N/O N/A		
A				17	IN OUT N/O N/A		
1	IN OUT			18	IN OUT N/O N/A		
B				19	IN OUT N/O N/A		
<b>Employee Health</b>				<b>Consumer</b>			
2	IN OUT			23	IN OUT N/A		
3	IN OUT			<b>Highly Susceptible Populations</b>			
<b>Good Hygienic Practices</b>				<b>Chemical</b>			
4	IN OUT N/O			25	IN OUT N/A		
5	IN OUT N/O			26	IN OUT		
<b>Preventing Contamination by Hands</b>				<b>Conformance with Approved Procedures</b>			
6	IN OUT N/O			27	IN OUT N/A		
7	IN OUT N/O N/A			Risk factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public health interventions are control measures to prevent foodborne illness of injury			
8	IN OUT			<b>GOOD RETAIL</b>			
<b>Approved Source</b>				Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into food			
9	IN OUT			<b>Safe Food and</b>			
10	IN OUT N/O N/A			28 Pasteurized eggs used where required			
11	IN OUT			29 Water and ice from approved source			
12	IN OUT N/O N/A			30 Variance obtained for specialized processing methods			
<b>Protection from Contamination</b>				<b>Food Temperature Control</b>			
13	IN OUT N/A			31			
14	IN OUT N/A			32			
15	IN OUT			33			
<b>GOOD RETAIL</b>				<b>Proper Use of</b>			
Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into food				41 In-use utensils: properly stored			
<b>Safe Food and</b>				42 Utensils, equipment, and linens: properly stored, dried and handled			
28 Pasteurized eggs used where required				43 Single-use and single-service articles: properly stored and used			
29 Water and ice from approved source				44 Gloves properly used			
30 Variance obtained for specialized processing methods				<b>Utensils and</b>			
<b>Food Temperature Control</b>				45 Food and nonfood contact surfaces: cleanable, properly designed, constructed and used			
31 Proper cooling methods used; adequate equipment for temperature control				46 <input checked="" type="checkbox"/> Warewash facilities: installed, maintained, and used			
32 Plant food properly cooked for hot holding				47 <input checked="" type="checkbox"/> Non-food contact surfaces clean			
33 Approved thawing methods used				<b>Physical</b>			
34 Thermometers provided and accurate				48 Hot and cold water available; adequate pressure			
<b>Food</b>				49 Plumbing installed; proper backflow devices			
35 Food properly labeled; original container				50 Sewage and waste water properly disposed			
36 Pests and animals not present; no unauthorized persons				51 Toilet Facilities: properly constructed, supplied, and clean			
37 Contamination prevented during food preparation, storage and display				52 <input checked="" type="checkbox"/> Garbage and refuse properly disposed; facilities maintained			
38 Personal Cleanliness				53 Physical facilities installed, maintained, and clean			
39 Wiping cloths: properly used and stored				54 Adequate ventilation and lighting; designated and used			
40 Washing fruits and vegetables							

I understand and agree to comply with the corrections ordered on this report. I understand that failure to comply could result in legal action or loss of license.

SIGNATURE - Person-in-Charge  

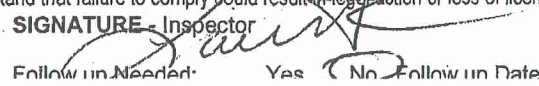

SIGNATURE - Inspector  
  
 Follow up Needed: Yes  No  Follow up Date:

Exhibit 7  
 p. 2 of 4

Comments:

Violations:  
\* There was food stored in back room, a party tray full of rice, 2 large bags of nacho cheese, numerous toppings (jalapenos, sour cream), 3 condiments. Also noted a small home style fryer on top of refrigerator. None of these are allowed. You have a frozen pizza license (pre-packaged frozen pizzas and packaged chips, candy and popcorn allowed. This has been written up before.

8) There were rags & a bowl in the hand wash sink. Keep sink accessible at ALL times. Corrected.

41e) No test strips available to check concentration of bleach sanitizer in bar sinks.

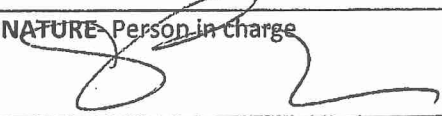
52) Garbage & recycling are overflowing; there is no trash collection currently (due to non payment for 4 months). MUST have commercial trash pickup. Garbage also stored in back room (by refrigerator) trash pickup must be weekly

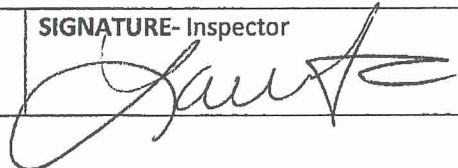
Temperature taken during inspection:

Walk in cooler: 30°F  
Bar cooler: 38°F  
Home style cooler/fryer: 35°F/0°F

• 3 compartment sink (NSU) bleach sanitizer available

\* There was an ash tray & cig. bots in back room  
- NO SMOKING -!

SIGNATURE Person in charge  


SIGNATURE- Inspector  


DATE  
11/21/14



# Report

November 25, 2014

**\*REPEAT OFFENDER\***

On 11/19/14 I received a complaint regarding Tap 58 located at 5732 W Mitchell Street. The complainant stated that the trash and recycling were overflowing and there were bags of garbage in the back yard area. The complainant also noted seeing rodents.

On 11/20/14 I went to verify the complaint (photos). I called Advanced Disposal and they verified that the bill had not been paid for over 4 months, and there has been no trash pick-up since October 6, 2014. I left the owner a message stating that she will be cited for each day she is out of compliance with city ordinances.

On 11/21/14 I conducted a routine inspection for their food license and the trash and recycling were still overflowing at this time.

Citations HD #0020 and #0021 were mailed on 11/24/14.

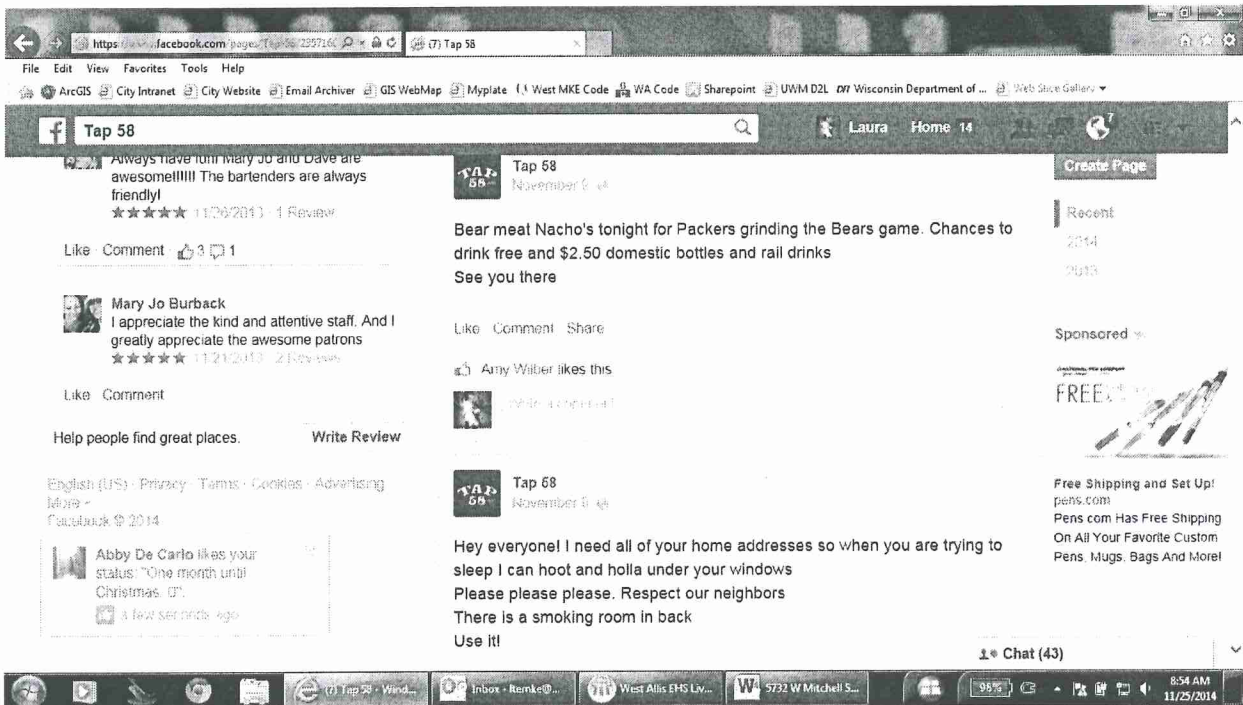
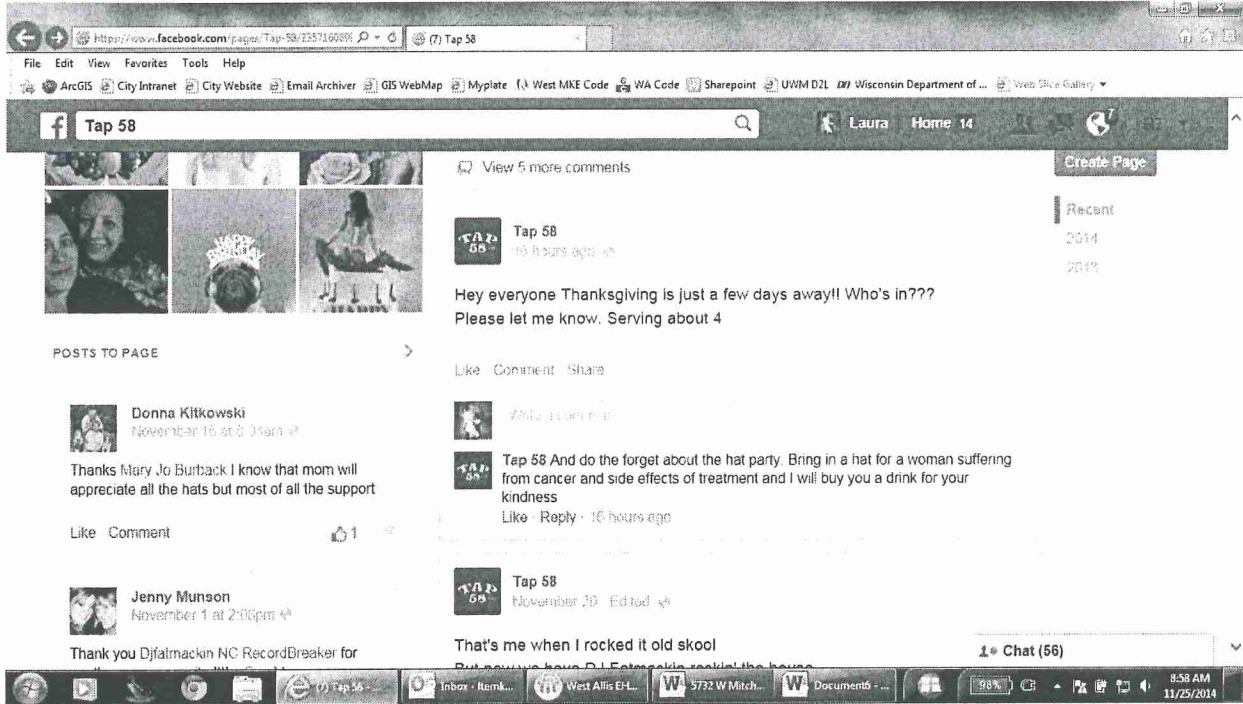
\*\*\*This is the second time this year this has happened. The owner did not pay their bill and had no trash collection from December of 2013 till March of 2014 due to non-payment. Citation HD # 0003 was issued on 3/19/14.

LT

Exhibit I  
p. 4 of 4

Facebook was accessed on 11/25/14.

This first post that says "16 hours ago" was after I wrote them up for serving illegal food (see inspection report from 11/21/14).



https://www.facebook.com/pages/Tab-58/2257160... Tap 58

File Edit View Favorites Tools Help

ArcGIS City Intranet City Website Email Archiver GIS WebMap Myplate West MKE Code WA Code Sharepoint UWM D2L Wisconsin Department of ... Web Slice Gallery

Tap 58 Laura Home 14

REVIEWS

Donna Kitkowski  
Always have fun! Mary Jo and Dave are awesome!!!! The bartenders are always friendly!  
★★★★★ 11/28/2013 · 1 Review  
Like Comment 3 1

Mary Jo Burback  
I appreciate the kind and attentive staff. And I greatly appreciate the awesome patrons  
★★★★★ 11/21/2013 · 2 Reviews  
Like Comment

Help people find great places. Write Review

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Tap 58  
October 25  
Packer game is late tomorrow so let's have a pool tournament! Say 1 o'clock? I'll make lunch and buy a drink  
See you there  
Like Comment Share

Tap 58 shared Djfatmackin NC RecordBreaker's status  
October 24  
This is a quoted text from someone this week:  
Them: "F\*\*k Mondays!"  
Me: "Why?"  
Them: "Because there's too many days b4 Friday when You get US turned up at Tap 58!"

Sponsored #1  
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Pens.com Has Free Shipping On All Your Favorite Custom Pens, Mugs, Bags And More!

Free Shipping and Set Up!  
pens.com  
Pens.com Has Free Shipping On All Your Favorite Custom Pens, Mugs, Bags And More!

1 Chat (41)

8:55 AM 11/25/2014

https://www.facebook.com/pages/Tab-58/2357160... Tap 58

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Tap 58 Laura Home 14


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Mary Jo Burback  
I appreciate the kind and attentive staff. And I greatly appreciate the awesome patrons  
★★★★★ 11/21/2013 · 2 Reviews  
Like Comment

Help people find great places. Write Review

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Facebook © 2014

Tap 58  
October 12  
On their way. — with NonStop OneUp



Sponsored #1  
FREE SHIPPING  
pens.com  
Pens.com Has Free Shipping On All Your Favorite Custom Pens, Mugs, Bags And More!

Free Shipping and Set Up!  
pens.com  
Pens.com Has Free Shipping On All Your Favorite Custom Pens, Mugs, Bags And More!

1 Chat (41)

8:55 AM 11/25/2014

https://www.facebook.com/235716088976678/photos/a.235716088976678.1013241626.235716088976678.362096043674288/?b...

https://www.facebook.com/pages/... Tap 58

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Tap 58 Laura Home 14

REVIEWS

Like Comment Share 7

Donna Kitkowski  
Always have fun! Mary Jo and Dave are awesome!!!! The bartenders are always friendly!  
★★★★★ 11/20/2013 · 1 Review

Like Comment 3 1

Mary Jo Burback  
I appreciate the kind and attentive staff. And I greatly appreciate the awesome patrons  
★★★★★ 11/21/2013 · 2 Reviews

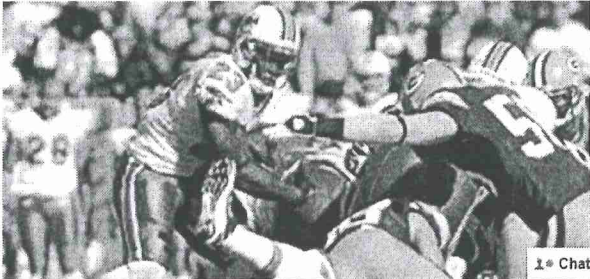
Like Comment

Help people find great places. Write Review

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Facebook © 2014

Tap 58  
October 17

Packers V Dull-fans @ NOON  
Chicken Enchiladas  
See you at 58



1 Chat (45)

8:56 AM 11/25/2014

https://www.facebook.com/pages/... Tap 58

File Edit View Favorites Tools Help

ArcGIS City Intranet City Website Email Archiver GIS WebMap Myplate West MKE Code WA Code Sharepoint UWM D2L Wisconsin Department of ... Web Site Gallery

Tap 58 Laura Home 14

REVIEWS

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★★★★★ 11/20/2013 · 1 Review

Like Comment 3 1

Mary Jo Burback  
I appreciate the kind and attentive staff. And I greatly appreciate the awesome patrons  
★★★★★ 11/21/2013 · 2 Reviews

Like Comment

Help people find great places. Write Review

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Facebook © 2014

Tap 58  
October 5

No Packer Game? No worries. We've got u covered  
CORN ROAST. @2 PM

Like Comment Share 3

1 Chat (46)


8:57 AM 11/25/2014

3  
Exhibit 2  
p. 3 of 4

Facebook page for Tap 58. The page features two reviews and a post from the business.

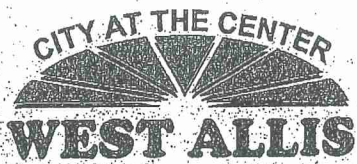
**Review 1:**  
User: [Profile Picture]  
Text: "Always have fun! Mary Jo and Dave are awesome!!!!!! The bartenders are always friendly!"  
Rating: ★★★★★ (5 stars)  
Date: 11/26/2013  
Action: 1 Review

**Review 2:**  
User: Mary Jo Burback  
Text: "I appreciate the kind and attentive staff. And I greatly appreciate the awesome patrons!"  
Rating: ★★★★★ (5 stars)  
Date: 11/21/2013  
Action: 2 Reviews

**Post:**  
Business: Tap 58 (October 2, 2014)  
Text: "These will definitely be on the Halloween buffet at TAP 58. HOORAY for October. I will be posting some awesome libations we will be serving up this month"  
Image: 

Page navigation: English (US), Privacy, Terms, Cookies, Advertising, Help, Facebook © 2014

Taskbar: Shows multiple open windows including 'Tap 58', 'Inbox - Rem...', 'West Allis EH...', '5732 W Mirch...', and 'Document6 - ...'. System tray shows 98% battery, 8:57 AM, and 11/25/2014.



November 26, 2014

Tap 58  
Mary Jo Burback  
5732 W Mitchell Street  
West Allis, WI 53214

HEALTH DEPARTMENT  
Division of Environmental Health

Jane L. Adams  
Daniel T. Koralewski  
Laura M. Temke  
Environmentalists

414/302-8600  
414/302-8628 (Fax)

Health Department  
7120 West National Avenue  
West Allis, Wisconsin 53214

[www.westalliswi.gov](http://www.westalliswi.gov)

### CEASE AND DESIST ORDER

Re: Illegal food service to the public

Dear Ms. Burback,

On 11/21/14 a routine inspection was conducted at your establishment "Tap 58". During the inspection, the establishment was found to be in violation of Department of Health Services 196 and Chapter 7.04 of the West Allis Revised Municipal Code. There was a homestyle refrigerator in the back room with food in it. The food included: 2 large bags of nacho cheese (liquid kind), jalapenos, sour cream, a party-sized tray of rice, numerous condiments such as catsup, mustard, mayonnaise, etc. In addition, there were multiple posts on your facebook page (and pictures) of food that was being served at your establishment: thanksgiving meal, hot dogs, nacho night, enchiladas, various "lunches", roasted corn, Halloween Buffet, etc. This is illegal food service to the public.

**You must cease all illegal food service activities to the public immediately or legal action will be taken.**

You have a pre-packaged license, which allows you to sell/serve only items such as frozen premade pizzas, hermetically sealed pre-packaged heat and serve sandwiches, packaged chips, popcorn, packaged candy, and beverages. If you would like to provide legal food service to the public the following options are available:

- 1) Hire a *licensed* caterer to serve the food. Catering is for a predetermined number of people, associated with a special event. And the caterer must serve the food, not drop it off. If a caterer is serving the food, keep a copy of their licenses on site.
- 2) Upgrade your current food license to a moderate or complex restaurant license, which would require a full kitchen. You would need to meet all requirements of the Wisconsin Food Code, and applicable local ordinances.
- 3) Apply for a temporary food license/permit. This permit can be issued for a single event, that is associated with an anniversary party, occasional sales promotion, or other event.

Sincerely,

Laura Temke  
Environmentalist

Exhibit 3



November 26, 2014

HEALTH DEPARTMENT  
Sally J. Nusslock, RN, BSN  
Health Commissioner  
414/302-8600  
414/302-8628 (Fax)  
Health Department  
7120 West National Avenue  
West Allis, Wisconsin 53214  
www.westallswi.gov

**ORDER TO ABATE PUBLIC HEALTH NUISANCE**

Re: Abatement of Public Nuisance at: Tap 58- 5732 W Mitchell Street, West Allis, WI

Dear Owner/Occupant:

An inspection of the above-referenced property on or about November 20, 21 & 26, 2014, revealed the above-referenced property to be in violation of Ordinance 7.05(3)(b) & 7.05(4)(b)1-3 & 7.05(7) of the West Allis Revised Municipal Code in that the premises is considered a public health nuisance and as such is detrimental to the health, safety, enjoyment of property, and/or welfare of the people of the City. The property is considered a health nuisance because there is refuse/ garbage and recycling overflowing from commercial containers, unapproved plastic containers holding garbage and recycling, and no waste removal company servicing the property.

Pursuant to the authority of Sections 7.03(3), 18.01, and 18.04 of the West Allis Revised Municipal Code, you **are hereby ordered to abate these conditions as identified above which render your property a public health nuisance within 5 days upon service of this Order. In addition, you must provide to me a current contract with a commercial waste and recycling removal company to me within 5 business days.** Should you fail or refuse to do so, the undersigned will cause action to be commenced to abate the nuisance.

Please be aware that pursuant to Wis. Stat. § 66.0627 and Ordinance 7.03(4), the cost incurred by the City to abate the nuisance may be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance; and such costs may be assessed against the real estate as a special charge.

Anyone affected by this order may propose a written course of action to abate the nuisance or appeal the determination of the Health Commissioner or his/her designees that a health nuisance or a chronic nuisance premises exists or the action of the Clerk/Treasurer imposing a special charge against the premises, by submitting such appeal to the Administrative Appeals Review Board pursuant to Section 2.48 of the Revised Municipal Code, within five (5) days of service of this Order.

If you have any questions concerning this matter, you may reach me at (414) 302-8600 Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

Sincerely,

Sally Nusslock  
Health Commissioner

Exhibit 4