

13



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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2006-0109	Summons and Complaint (Licensing)	In Committee
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Summons and Complaint in the matter of the complaint against Bencor, Inc., David M. Bennett, Agent, for the premises located at 1416 S. 66 St., d/b/a Bennett's (2003-2004 Class B Tavern License renewal application no. 141, 2004-2005 Class B Tavern License renewal application no. 121 and 2005-2006 Class B Tavern License renewal application no. 129).

Introduced: 2/28/2006

Controlling Body: License & Health Committee

**COMMITTEE RECOMMENDATION** *Unanimous* issue a Findings and Recommendations

	MOVER	SECONDER	MEMBER	AYE	NO	PRESENT	EXCUSED
ACTION DATE:			Barczak				
<u>3/28/06</u>	✓	✓	Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
			Sengstock				✓
			Vitale				
			Weigel				
			TOTAL	4			1

**SIGNATURE OF COMMITTEE MEMBER**

\_\_\_\_\_  
Chair

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

\_\_\_\_\_  
Member

**COMMON COUNCIL ACTION** Unanimous issue a Findings and Recommendations

	MOVER	SECONDER	MEMBER	AYE	NO	PRESENT	EXCUSED
ACTION DATE:			Barczak				
<u>4-4-06</u>	✓	✓	Czaplewski				
			Dobrowski				
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
			Sengstock				
			Vitale				
			Weigel				
			TOTAL				

*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**

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**In the Matter of the  
Complaint Against**

**SUMMONS**

**BENCOR, INC.  
David M. Bennett, agent  
Premises formerly located at  
1416 South 66<sup>th</sup> Street  
West Allis, Wisconsin 53214**

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STATE OF WISCONSIN        )  
  ) SS.  
COUNTY OF MILWAUKEE    )

**THE WEST ALLIS COMMON COUNCIL TO BENCOR, INC., d/b/a Bennett's:**

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 Tavern License, pursuant to the provision of sec. 125.12, Stats.

**NOW THEREFORE**, you, Bencor, Inc., 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 28<sup>th</sup> 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.

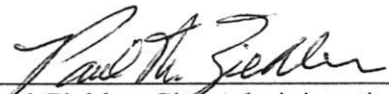
In the case of your failure to appear as required by this summons, the allegations in the complaint against you shall be taken as true and, if the License and Health Committee of the West Allis Common Council finds the allegations sufficient, a recommendation that your

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 17<sup>th</sup> day of February, 2006.

WEST ALLIS COMMON COUNCIL

By:   
Paul 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**

**Bencor, Inc.,  
d/b/a Bennett's  
David M. Bennett, agent  
Premises formerly located at  
1416 South 66<sup>th</sup> Street  
West Allis, Wisconsin 53214**

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STATE OF WISCONSIN    )  
                                  ) ss.  
COUNTY OF MILWAUKEE )

Kurt E. Kopplin, being duly sworn, on oath deposes and states as a complaint against Bencor, Inc. 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 Bencor, Inc. applied for the 2003 – 2004 Class B Tavern License, under license application No. 141 for the premises located at 1416 South 66<sup>th</sup> Street.
4. That Bencor, Inc. applied for the 2004 – 2005 Class B Tavern License, under license application No. 121 for the premises located at 1416 South 66<sup>th</sup> Street.
5. That Bencor, Inc. applied for the 2005 – 2006 Class B Tavern License, under license application No. 129, for the premises located at 1416 South 66<sup>th</sup> Street.

6. That the Community Development Authority of the City of West Allis acquired the property at 1416 South 66<sup>th</sup> Street on December 9, 2002.
7. That Bencor, Inc. removed itself from the premises at 1416 South 66<sup>th</sup> Street during the July 1, 2002 through June 30, 2003, license year.
8. That since Bencor, Inc.'s removal from the premises at 1416 South 66<sup>th</sup> Street, it has conducted no business at said premises.
9. That due to Bencor, Inc.'s vacation of the premises, the Common Council did not act on the 3 license applications set forth above.
10. That Bencor, Inc. has failed to conduct license business at an authorized location for a period of 30 consecutive days contrary to section 9.02(9)(c) of the West Allis Revised Municipal Code.

**WHEREFORE**, Kurt E. Kopplin requests that Bencor, 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 Class B Tavern License of Bencor, Inc. should be revoked.

Dated at this 24<sup>th</sup> 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 24<sup>th</sup> day of January, 2006.  
Darlyn M. Adams  
 ( DARLYN M. ADAMS )  
 Notary Public, State of Wisconsin  
 My Commission expires: 12/10/06

SEP/kp  
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