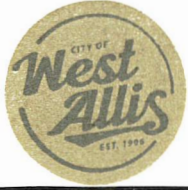


52



City of West Allis

Matter Summary

File Number **Title** **Current Status**

2019-0287 **Summons and Complaint** **Introduced**

Summons and Complaint in the matter of the complaint against New Asian Supermarket, Inc., Jun Guo Xiao, Agent, for the premises located at 10704 W. Oklahoma Ave., d/b/a New Asian Supermarket (2018-2019 Combination Class A Liquor License application no. 2397).

Introduced: 4/23/2019

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

ACTION DATE: 6/18/19

- Approved
- Approved as amended
- Approved subject to necessary requirements
- Placed on file
- Denied
(based on _____)
- Other: _____

MOVER	SECONDER	
_____	_____	Barczak
_____	_____	Czaplewski
_____	_____	Haass
_____	_____	Lajsic
_____	<input checked="" type="checkbox"/>	May
_____	_____	Reinke
_____	_____	Roadt
_____	_____	Stefanski
_____	_____	Vitale
<input checked="" type="checkbox"/>	_____	Weigel

AYE	NO	PRESENT	EXCUSED
<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>			

TOTAL 5 0 _____

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

ACTION DATE: 6/18/19

- Approved
- Approved as amended
- Approved subject to necessary requirements
- Placed on file
- Denied
(based on _____)
- Other: _____

MOVER	SECONDER	
_____	_____	Barczak
<input checked="" type="checkbox"/>	_____	Czaplewski
_____	_____	Haass
_____	_____	Lajsic
_____	_____	May
_____	_____	Reinke
_____	_____	Roadt
_____	<input checked="" type="checkbox"/>	Stefanski
_____	_____	Vitale
_____	_____	Weigel

AYE	NO	PRESENT	EXCUSED

TOTAL 10 _____

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL**

ADMINISTRATION & FINANCE

Chair: Kevin Haass
Vice-Chair: Martin J. Weigel
Michael J. Czaplewski
Michael P. May
Daniel J. Roadt

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Vincent Vitale
Thomas G. Lajsic
Rosalie L. Reinke
Tracy Stefanski

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Tracy Stefanski
Gary T. Barczak
Rosalie L. Reinke
Vincent Vitale

LICENSE & HEALTH

Chair: Michael J. Czaplewski
Vice-Chair: Daniel J. Roadt
Kevin Haass
Michael P. May
Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Michael P. May
Thomas G. Lajsic
Tracy Stefanski
Vincent Vitale

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

**In the Matter of the
Complaint Against**

SUMMONS

**New Asian Supermarket Inc.
c/o registered agent, Jun Guo Xiao
d/b/a New Asian Supermarket.**

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

**THE WEST ALLIS COMMON COUNCIL TO NEW ASIAN SUPERMARKET INC. c/o
AGENT JUN GUO XIAO:**

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 Combination Class A Liquor License Number 18-2397, pursuant to the provisions of sec. 125.12, Wis. Stat. and West Allis Revised Municipal Code Sections 9.02(20).

NOW THEREFORE, you, JUN GUO XIAO as agent for New Asian Supermarket 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 April 23, 2019, 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.

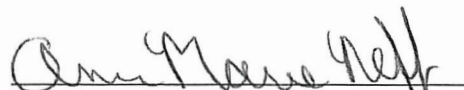
In the case of your failure to appear as required by this summons, the allegations in the complaint against you shall be taken as true and, if the License and Health Committee of the West Allis Common Council finds the allegations sufficient, a recommendation that your license(s) be suspended or revoked 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 18th day of April, 2019.

WEST ALLIS COMMON COUNCIL

By:


Ann Marie Neff, Deputy City Clerk

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

**In the Matter of the
Complaint Against**

COMPLAINT

**New Asian Supermarket Inc.
c/o registered agent, Jun Guo Xiao
d/b/a New Asian Supermarket.**

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Michael J. Czaplowski, being duly sworn, on oath deposes and states as a complaint against New Asian Supermarket Inc. as follows:

1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the First Aldermanic District in the City of West Allis, is the chair of the License and Health Committee, 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 New Asian Supermarket Inc. by agent Jun Goa Xiao is the holder of Combination Class A Liquor License Number 18-2397 which was conditionally granted by the West Allis Common Council for the license ending June 30, 2019,

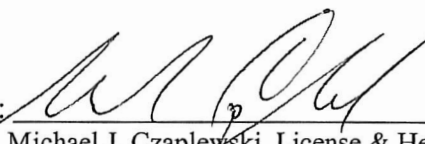
for the premises located at 10704 W. Oklahoma Avenue, West Allis, Wisconsin and does business under the trade name "New Asian Supermarket."

4. That Jun Guo Xiao is the registered agent and license agent for New Asian Supermarket Inc.
5. That on May 15, 2018, the Common Council conditionally approved New Asian Supermarket Inc. for a Class A Liquor License subject to the necessary requirements of obtaining said licenses, however retained the license until the applicant could show compliance with required inspections pursuant to West Allis Revised Municipal Code Section 9.02(6).
6. That pursuant to West Allis Revised Municipal Code Section 9.02(6), all renewal applicants are required to obtain inspections from the Building Inspection and Neighborhood Services Department before an alcohol-related license may be issued.
7. That as of April 17, 2019, New Asian Market Inc. has not been approved by the West Allis Building Inspection Department. The last inspection by the Building Inspection Department was in November of 2018 and the premises had not been approved through that inspection. No other inspections have been requested or completed.
8. That on March 20, 2019, New Asian Supermarket Inc. by registered agent Jun Guo Xiao, was ordered to appear at the License and Health Committee meeting that took place on March 26th at 6:00 P.M. No representatives of New Asian Supermarket Inc. appeared at the meeting or had made contact with the Committee prior to the meeting.

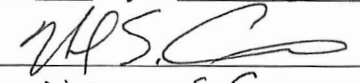
9. That the conduct of New Asian Supermarket Inc. substantially relates to the licensed activities and is contrary to West Allis Revised Municipal Code Sections 9.02(12)(b), and 9.02(12)(d), is contrary to the provisions of Chapter 125, Wis. Stats., specifically Wis. Stat. Sec. 125.12(2)(ag)1 for failure to comply with statutory and municipal regulations; and that the conduct of New Asian Supermarket Inc. is grounds for non-renewal, suspension, or revocation of its Class A Liquor License Number 18-2397.

WHEREFORE, Michael J. Czaplewski, requests that New Asian Supermarket, c/o Jun Guo Xiao, 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 A Liquor License should be revoked, suspended, or not renewed.

Dated at this 18 day of April, 2019.

By: 
Michael J. Czaplewski, License & Health
Committee
West Allis Common Council

Subscribed and sworn to before me
this 18 day of April, 2019.


(Nicholas S. Cerwin)
Notary Public, State of Wisconsin
My Commission expires: Permanant



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

**In the Matter of the
Complaint Against**

SUMMONS

**New Asian Supermarket Inc.
c/o registered agent, Jun Guo Xiao
d/b/a New Asian Supermarket.**

STATE OF WISCONSIN)
) SS.
COUNTY OF MILWAUKEE)

**THE WEST ALLIS COMMON COUNCIL TO NEW ASIAN SUPERMARKET INC. c/o
AGENT JUN GUO XIAO:**

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 Combination Class A Liquor License Number 18-2397, pursuant to the provisions of sec. 125.12, Wis. Stat. and West Allis Revised Municipal Code Sections 9.02(20).

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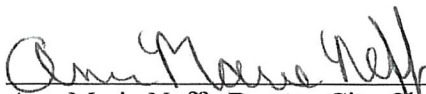
In the case of your failure to appear as required by this summons, the allegations in the complaint against you shall be taken as true and, if the License and Health Committee of the West Allis Common Council finds the allegations sufficient, a recommendation that your license(s) be suspended or revoked 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 18th day of April, 2019.

WEST ALLIS COMMON COUNCIL

By:


Ann Marie Neff, Deputy City Clerk

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

**In the Matter of the
Complaint Against**

COMPLAINT

**New Asian Supermarket Inc.
c/o registered agent, Jun Guo Xiao
d/b/a New Asian Supermarket.**

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

Michael J. Czaplewski, being duly sworn, on oath deposes and states as a complaint against New Asian Supermarket Inc. as follows:

1. That the complainant is a resident of the City of West Allis, is the duly elected Alderperson for the First Aldermanic District in the City of West Allis, is the chair of the License and Health Committee, 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 New Asian Supermarket Inc. by agent Jun Goa Xiao is the holder of Combination Class A Liquor License Number 18-2397 which was conditionally granted by the West Allis Common Council for the license ending June 30, 2019,

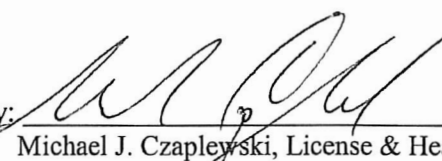
for the premises located at 10704 W. Oklahoma Avenue, West Allis, Wisconsin and does business under the trade name "New Asian Supermarket."

4. That Jun Guo Xiao is the registered agent and license agent for New Asian Supermarket Inc.
5. That on May 15, 2018, the Common Council conditionally approved New Asian Supermarket Inc. for a Class A Liquor License subject to the necessary requirements of obtaining said licenses, however retained the license until the applicant could show compliance with required inspections pursuant to West Allis Revised Municipal Code Section 9.02(6).
6. That pursuant to West Allis Revised Municipal Code Section 9.02(6), all renewal applicants are required to obtain inspections from the Building Inspection and Neighborhood Services Department before an alcohol-related license may be issued.
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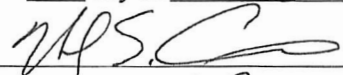
9. That the conduct of New Asian Supermarket Inc. substantially relates to the licensed activities and is contrary to West Allis Revised Municipal Code Sections 9.02(12)(b), and 9.02(12)(d), is contrary to the provisions of Chapter 125, Wis. Stats., specifically Wis. Stat. Sec. 125.12(2)(ag)1 for failure to comply with statutory and municipal regulations; and that the conduct of New Asian Supermarket Inc. is grounds for non-renewal, suspension, or revocation of its Class A Liquor License Number 18-2397.

WHEREFORE, Michael J. Czaplewski, requests that New Asian Supermarket, c/o Jun Guo Xiao, 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 A Liquor License should be revoked, suspended, or not renewed.

Dated at this 18 day of April, 2019.

By: 
Michael J. Czaplewski, License & Health
Committee
West Allis Common Council

Subscribed and sworn to before me
this 18 day of April, 2019.


(Nicholas S. Cerwin)
Notary Public, State of Wisconsin
My Commission expires: Permanent

