

SPECIAL AGENDA

LICENSING/PERMIT COMMITTEE
Kenosha Municipal Office Building – Room 202
Wednesday, May 28, 2014
5:00 p.m.

PLEASE NOTE TIME CHANGE

Chairman: Curt Wilson
Vice-Chair: Patrick Juliana

Aldersperson: David Bogdala
Aldersperson: G. John Ruffolo
Aldersperson: Kurt Wicklund

CALL TO ORDER
ROLL CALL

NOTE: All licenses and permits are subject to withholding of issuance by the City Clerk as specified in Section 1.045 of the Code of General Ordinances.

Regarding items 1 through 4, the Licensing/Permit Committee may go into Closed Session for purpose of deliberation under authority of §19.85 (1), Wisconsin Statutes, and then reconvene into open session for purpose of holding hearings and making final determinations.

1. Complaint by the City Clerk seeking revocation of the Class “A” Retail Beer License of Kenosha Gas Stop, Inc., d/b/a Kenosha Gas Stop, 2207 – 60th Street, Dina Kattoum, Agent. (10th District) (Deferred from the meeting on March 24, 2014)
2. Complaint by the City Clerk seeking revocation of the Class “A” Retail Beer License of 22nd Avenue Mobile, Inc., d/b/a 22nd Avenue Mobile, Gurinder S. Nagra, Agent. (6th District) (Deferred from the meeting on March 24, 2014)
3. Complaint by the City Clerk seeking revocation of the Class “A” Retail Beer License of Yash, LLC, d/b/a Mobil Gas, 4924 Sheridan Road, Daksha Patel, Owner. (6th District)
4. Complaint by the City Clerk seeking revocation of the Class “A” Retail Beer License of PDQ Food Stores, Inc., d/b/a PDQ Store #351, 8012 – 39th Avenue, Kathy Loberger, Agent. (14th District) (Deferred from the meeting on March 24, 2014)

CITIZENS COMMENTS/BUSINESS AS AUTHORIZED BY LAW
ALDERMEN COMMENTS
STAFF COMMENTS

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS MEETING.

IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE, PLEASE CALL 653-4020 BEFORE THIS MEETING

COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN
COMMITTEE ON LICENSES/PERMITS

In The Matter Of:

THE CLASS "A" RETAIL BEER LICENSE
KENOSHA GAS STOP, INC.
2207 – 60th Street
Kenosha, WI 53140
Dina Kattoum, Agent

SUMMONS
ORDER TO APPEAR
AND SHOW CAUSE

TO: KENOSHA GAS STOP, INC.
Dina Kattoum, Agent
2207 - 60th Street
Kenosha, Wisconsin 53140

YOU ARE HEREBY ORDERED TO APPEAR on Monday, the 24th day of March, 2014, at 5:00 o'Clock in the P.M. in Room 202 of the Municipal Office Building, 625 - 52nd Street, Kenosha, Wisconsin, before the Committee on Licenses/Permits of the Common Council of the City of Kenosha, Wisconsin, AND SHOW CAUSE why the Class "A" Retail Beer license should not be revoked for the reasons specified in the attached Complaint.

YOUR FAILURE TO APPEAR WILL RESULT IN THE
REVOCATION OF SAID LICENSE

Dated at Kenosha, Wisconsin, this _____ day of March, 2014.

CITY OF KENOSHA, WISCONSIN

By: _____
DEBRA SALAS
City Clerk/Treasurer

Drafted by:
MATTHEW A. KNIGHT
Deputy City Attorney

COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN
COMMITTEE ON LICENSES/PERMITS

In The Matter Of:

THE CLASS “A” RETAIL BEER LICENSE
KENOSHA GAS STOP, INC.
2207 – 60th Street
Kenosha, WI 53140
Dina Kattoum, Agent

COMPLAINT

NOW COMES DEBRA SALAS, City Clerk/Treasurer for the City of Kenosha, Wisconsin, and hereby states and complains as follows:

1. DEBRA SALAS is an adult resident of the State of Wisconsin, and is the City Clerk/Treasurer for the City of Kenosha, Wisconsin;
2. At all times relevant herein, Kenosha Gas Stop, Inc., hereinafter “Licensee”, was a business entity incorporated under the laws of Wisconsin with a place of business located at 2207 - 60th Street, Kenosha, Wisconsin;
3. That Dina Kattoum, hereinafter “Agent”, is the named agent on the City of Kenosha Alcohol Beverage License Application, and was at all times relevant herein, an adult resident of the City of Kenosha, Wisconsin, and as of November 11, 2011, resided at 9709 - 56th Street, Kenosha, WI, 53142.
4. Licensee was initially granted a Class “A” Beer license, hereinafter “License”, by the Common Council for the City of Kenosha, Wisconsin, hereinafter “Council”, on March 5, 2012, for the premises located at 2207 - 60th Street, Kenosha, Wisconsin, without being subject to demerit points;
5. On June 3, 2013, the Council granted renewal of said License;
6. That Licensee was assessed twenty-five (25) demerit points based upon a conviction of Licensee's employee, Motasem Abdeljaber, and a companion citation issued to Licensee's agent, Dina Kattoum, for No Licensed Operator on Licensed Premises, contrary to Wisconsin Statute Section 125.32(2), pursuant to Sections 10.063 E.1. and 10.063 E.7. of the Code of General Ordinances, said violation having occurred on August 7, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on February 20, 2014;

7. That Licensee was assessed fifty (50) demerit points based upon a conviction of Licensee's employee, Musa Abdeljaber, and a companion citation issued to Licensee's agent, Dina Kattoum, for No Licensed Operator on Licensed Premises, contrary to Wisconsin Statute Section 125.32(2), pursuant to Sections 10.063 E.1., 10.063 E.7. and 10.063 E.9. of the Code of General Ordinances, said violation having occurred on August 15, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on February 20, 2014;

8. That Licensee was assessed twenty-five (25) demerit points based upon a conviction of Licensee's employee, Alexis Hoff, and a companion citation issued to Licensee's agent, Dina Kattoum, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1. and 10.063 E.7. of the Code of General Ordinances, said violation having occurred on August 22, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on February 20, 2014;

9. That Licensee was assessed fifty (50) demerit points based upon a conviction of Licensee's employee, Motasem Abdeljabar, and a companion citation issued to Licensee's agent, Dina Kattoum, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1., 10.063 E.7. and 10.063 E.9. of the Code of General Ordinances, said violation having occurred on October 17, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on February 20, 2014;

10. That Licensee was assessed fifty (50) demerit points based upon a municipal citation issued to Licensee's employee, Sonia Rodas, and a companion citation issued to Licensee's agent, Dina Kattoum, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1., 10.063 E.7. and 10.063 E.9. of the Code of General Ordinances, said violation having occurred on February 6, 2014, with a pending municipal court pretrial date in the City of Kenosha Municipal Court;

11. That Licensee's agent and employees have violated Wisconsin Statute Chapter 125 more than two (2) times within three hundred sixty-five (365) consecutive days;

12. That Licensee has accumulated two hundred (200) demerit points within seven hundred thirty (730) consecutive days pursuant to Section 10.063 of the Code of General Ordinances;

13. Pursuant to Section 10.063 E.1. of the Code of General ordinances, two (2) violations of Wisconsin Statute Chapter 125 within three hundred sixty-five (365) consecutive days subjects Licensee to a mandatory sixty (60) day suspension of said License held by Licensee as determined by Council;

14. Pursuant to Section 10.063 E.2. of the Code of General Ordinances, more than two (2) violations of Wisconsin Statute Chapter 125 within three hundred sixty-five (365) consecutive days subjects Licensee to mandatory nonrenewal or revocation of said License held by Licensee as determined by Council;

15. Pursuant to Section 10.063 E.3. of the Code of General Ordinances, the accumulation of one hundred (100) demerit points subjects the Licensee to nonrenewal, revocation and/or suspension of said License held by Licensee, as determined by Council.

NOW, THEREFORE, Complainant requests the suspension and/or revocation of the License held by Licensee.

Dated at Kenosha, Wisconsin, this _____ day of March, 2014.

CITY OF KENOSHA, WISCONSIN

DEBRA SALAS
City Clerk/Treasurer
City of Kenosha, Wisconsin

Subscribed and sworn to before me
this _____ day of March, 2014.

Matthew A. Knight
Notary Public, Kenosha County, WI
My Commission is permanent.

Drafted by:
MATTHEW A. KNIGHT
Deputy City Attorney

COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN

In The Matter Of:

The Class "A" Retail Beer License of
22nd AVENUE MOBILE, INC.
Gurinder S. Nagra, Agent
4433 – 22nd Avenue
Kenosha, WI 53140

SUMMONS
ORDER TO APPEAR
AND SHOW CAUSE

TO: Gurinder S. Nagra, Agent
22nd Avenue Mobil, Inc.
4433 – 22nd Avenue
Kenosha, WI 53140

YOU ARE HEREBY ORDERED TO APPEAR AND SHOW CAUSE, on Monday, the 24th day of March, 2014, at 5:00 o'Clock in the P.M. in Room 202 of the Municipal Office Building, 625 52nd Street, Kenosha, Wisconsin, before the Committee on Licenses/Permits of the Common Council of the City of Kenosha, Wisconsin, AND SHOW CAUSE why the Class "A" Retail Beer License should not be revoked for the reasons specified in the attached Complaint.

YOUR FAILURE TO APPEAR WILL RESULT IN THE
NON RENEWAL AND REVOCATION OF SAID LICENSE

Dated at Kenosha, Wisconsin, this _____ day of March, 2014.

CITY OF KENOSHA, WISCONSIN

By: _____
DEBRA SALAS
City Clerk/Treasurer

Drafted by:
MATTHEW A. KNIGHT
Deputy City Attorney

COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN

In The Matter Of:

The Class “A” Retail Beer License of
22nd AVENUE MOBILE, INC.
Gurinder S. Nagra, Agent
4433 – 22nd Avenue
Kenosha, WI 53140

COMPLAINT

NOW COMES DEBRA SALAS, City Clerk/Treasurer for the City of Kenosha, Wisconsin, and hereby states and complains as follows:

1. Debra Salas is an adult resident of the State of Wisconsin, and is the City Clerk/Treasurer for the City of Kenosha, Wisconsin;
2. Gurinder Nagra, agent of 22nd Avenue Mobil, Inc., hereinafter “Licensee”, at all times relevant herein, was and is an adult resident of the City of Kenosha, Wisconsin, and as of May 2, 2013, resided at 3776 Cypress Lane, Franklin, Wisconsin;
3. Licensee was initially granted a Class “A” Retail Beer License, hereinafter “License”, by the Common Council for the City of Kenosha, Wisconsin, hereinafter referred to as “Council”, on May 20, 2013, to be effective July 1, 2013 through June 30, 2014, pursuant to Chapter 10 of the Code of General Ordinances of the City of Kenosha, Wisconsin;
4. That Licensee was assessed twenty-five (25) demerit points based upon a conviction of Licensee's employee, Jagjit Singh, and one companion citation issued to Gurinder Nagra, the Licensee's agent, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1. and 10.063 E.7. of the Code of General Ordinances, said violation having occurred on August 20, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on November 13, 2013;
5. That Licensee was assessed fifty (50) demerit points based upon a conviction of

Licensee's employee, Jagjit Singh, and one companion citation issued to Gurinder Nagra, the Licensee's agent, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1., 10.063 E.7. and 10.063 E.9., of the Code of General Ordinances, said violation having occurred on August 22, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on November 13, 2013;

6. That Licensee was assessed fifty (50) demerit points based upon a conviction of Licensee's employee, Amanpreet Singh, and one companion citation issued to Gurinder Nagra, the Licensee's agent, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1., 10.063 E.7., and 10.063 E.9., of the Code of General Ordinances, said violation having occurred on August 30, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on December 12, 2013;

7. That Licensee was assessed fifty (50) demerit points based upon a conviction of Licensee's agent, Gurinder Nagra, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1., 10.063 E.7., and 10.063 E.9., of the Code of General Ordinances, said violation having occurred on December 17, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on January 8, 2014;

8. That Licensee was assessed fifty (50) demerit points based upon a conviction of Licensee's employee Sukhdev Singh, and a companion citation issued to Licensee's agent, Gurinder Nagra, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1., 10.063 E.7., and 10.063 E.9., of the Code of General Ordinances, said violation having occurred on January 14, 2014, and resulting in a conviction in the Municipal Court for the City of Kenosha on March 12, 2014;

9. That Licensee was assessed twenty-five (25) demerit points based upon a conviction of Licensee's employee Sukhdev Singh, and a companion citation issued to Licensee's agent, Gurinder Nagra, for No Licensed Operator on Licensed Premises, contrary to Wisconsin Statute Section 125.32(2), pursuant to Sections 10.063 E.1. and 10.063 E.7., of the Code of General Ordinances, said violation having occurred on January 14, 2014, and resulting in a conviction in the Municipal Court for the City of Kenosha on March 12, 2014;

10. That Licensee has accumulated two hundred fifty (250) demerit points within seven hundred thirty (730) consecutive days pursuant to Section 10.063 of the Code of General Ordinances;

11. Pursuant to Section 10.063 E.1. of the Code of General ordinances, two (2) violations of Wisconsin Statute Chapter 125 within three hundred sixty-five (365) consecutive days subjects Licensee to a mandatory sixty (60) day suspension of said License held by Licensee as determined by Council;

12. Pursuant to Section 10.063 E.2. of the Code of General Ordinances, more than two (2) violations of Wisconsin Statute Chapter 125 within three hundred sixty-five (365) consecutive days subjects Licensee to mandatory nonrenewal or revocation of said License held by Licensee as determined by Council;

13. Pursuant to Section 10.063 E.3. of the Code of General Ordinances, the accumulation of one hundred (100) demerit points subjects the Licensee to nonrenewal, revocation and/or suspension of said License held by Licensee, as determined by Council.

NOW, THEREFORE, Complainant requests the suspension and/or revocation of the License held by Licensee.

Dated at Kenosha, Wisconsin, this _____ day of March, 2014.

CITY OF KENOSHA, WISCONSIN

DEBRA SALAS
City Clerk/Treasurer

Subscribed and sworn to before me
this _____ day of March, 2014.

Notary Public, Kenosha County, WI
My Commission expires/is: _____

Drafted by:
MATTHEW A. KNIGHT
Deputy City Attorney

COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN

In The Matter Of:

The Class "A" Retail Beer License of
YASH, LLC d/b/a MOBIL GAS
4924 Sheridan Road
Kenosha, WI 53140

SUMMONS
ORDER TO APPEAR
AND SHOW CAUSE

TO: Daksha Patel, Owner
 Yash, LLC
 4924 Sheridan Road
 Kenosha, WI 53140

YOU ARE HEREBY ORDERED TO APPEAR AND SHOW CAUSE, on Wednesday, the 28th day of May, 2014, at 5:00 o'Clock in the P.M. in Room 202 of the Municipal Office Building, 625 52nd Street, Kenosha, Wisconsin, before the Committee on Licenses/Permits of the Common Council of the City of Kenosha, Wisconsin, AND SHOW CAUSE why the Class "A" Retail Beer License should not be revoked for the reasons specified in the attached Complaint.

YOUR FAILURE TO APPEAR WILL RESULT IN THE
NON RENEWAL AND REVOCATION OF SAID LICENSE

Dated at Kenosha, Wisconsin, this _____ day of May, 2014.

CITY OF KENOSHA, WISCONSIN

By: _____
DEBRA SALAS
City Clerk/Treasurer

Drafted by:
MATTHEW A. KNIGHT
Deputy City Attorney

COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN

In The Matter Of:

The Class "A" Retail Beer License of
YASH, LLC d/b/a MOBIL GAS
4924 Sheridan Road
Kenosha, WI 53140

COMPLAINT

NOW COMES DEBRA SALAS, City Clerk/Treasurer for the City of Kenosha, Wisconsin, and hereby states and complains as follows:

1. Debra Salas is an adult resident of the State of Wisconsin, and is the City Clerk/Treasurer for the City of Kenosha, Wisconsin;
2. Daksha Patel, owner of Yash, LLC, hereinafter "Licensee", at all times relevant herein, was an adult resident of the City of Arlington Heights, Illinois, and as of April 14, 2014, resided at 1312 W. Meade Lane, Arlington Heights, Illinois;
3. Licensee was initially granted a Class "A" Retail Beer License, hereinafter "License", by the Common Council for the City of Kenosha, Wisconsin, hereinafter referred to as "Council", on February 20, 2013, which was renewed for the licensing term beginning July 1, 2013 through June 30, 2014, pursuant to Chapter 10 of the Code of General Ordinances of the City of Kenosha, Wisconsin;
4. That Licensee was assessed twenty-five (25) demerit points based upon a conviction of Licensee's agent, Shawn Josic, for Operating Without a Licensed Person on Premises, contrary to Wisconsin Statute Section 125.32(2), pursuant to Sections 10.063 E.1. and 10.063 E.7. of the Code of General Ordinances, said violation having occurred on May 23, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on June 13, 2013;
5. That Licensee was assessed twenty-five (25) demerit points based upon a conviction of Licensee's agent, Shawn Josic, for Sale of Alcohol to an Underage Person,

contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1. and 10.063 E.7. of the Code of General Ordinances, said violation having occurred on August 22, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on September 12, 2013;

6. That Licensee was assessed fifty (50) demerit points based upon a conviction of Licensee's agent, Shawn Josic, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1., 10.063 E.7., and 10.063 E.9. of the Code of General Ordinances, said violation having occurred on November 7, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on November 26, 2013;

7. That Licensee was assessed fifty (50) demerit points based upon a conviction of Licensee's agent, Shawn Josic, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1., 10.063 E.7., and 10.063 E.9. of the Code of General Ordinances, said violation having occurred on February 6, 2014, and resulting in a conviction in the Municipal Court for the City of Kenosha on February 27, 2014;

8. Licensee appointed Travis Budd as Licensee's Agent, replacing Shawn Josic, approved by Council on February 19, 2014;

9. That Licensee was assessed fifty (50) demerit points based upon a conviction of Licensee's employee Paul Stewart, and a companion citation issued to Licensee's agent, Travis Budd, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1., 10.063 E.7., and 10.063 E.9. of the Code of General Ordinances, said violation having occurred on March 11, 2014, and resulting in a conviction in the Municipal Court for the City of Kenosha on April 12, 2014;

10. Licensee's Agent, Travis Budd canceled his appointment as Licensee's agent by written notice filed with the City of Kenosha City Clerk's office, dated February 22, 2014;

11. Licensee nominated Joshua DeVore as successor agent, pursuant to Wisconsin Statute Section 125.04(6), Council denied said appointment April 7, 2014, based upon the material police record and false application of Joshua DeVore;

12. The Licensee's License is not in force until a successor agent is appointed and approved by the Council pursuant to Wisconsin Statute Section 125.04(6)(d);

13. Licensee nominated Daksha Patel as successor agent pursuant to Wisconsin Statute Section 125.04(6), Council denied said appointment April 21, 2014, due to Daksha Patel failing to meet statutory licensing requirements;

14. That Licensee was assessed five (5) demerit points based upon a conviction of Licensee's owner member Daksha Patel, for Sale of Tobacco to a Minor, contrary to Section 13.09 C.1. of the Code of General Ordinances, pursuant to Sections 10.063 E.1. and 10.063 E.7. of the Code of General Ordinances, said violation having occurred on April 8, 2014, and resulting in a conviction in the Municipal Court for the City of Kenosha on April 30, 2014;

15. That Licensee was assessed twenty (20) demerit points based upon a conviction of Licensee's owner member Daksha Patel, for Operating Without a Valid Class "A" Beer License, contrary to Wisconsin Statute Section 125.04 (1), pursuant to Section 10.063 E.1. and 10.063 E.7. of the Code of General ordinances, said violation having occurred on April 10, 2014, and resulting in a conviction in the Municipal Court for the City of Kenosha on May 1, 2014;

16. That Licensee has accumulated two hundred twenty (220) demerit points within seven hundred thirty (730) consecutive days pursuant to Section 10.063 of the Code of General Ordinances;

17. That Licensee, Licensee's owner manager and agent have violated Wisconsin Chapter 125 more than two (2) times within three hundred sixty-five (365) consecutive days;

18. Pursuant to Section 10.063 E.1. of the Code of General ordinances, two (2) violations of Wisconsin Statute Chapter 125 within three hundred sixty-five (365) consecutive days subjects Licensee to a mandatory sixty (60) day suspension of said License held by Licensee as determined by Council;

19. Pursuant to Section 10.063 E.2. of the Code of General Ordinances, more than two (2) violations of Wisconsin Statute Chapter 125 within three hundred sixty-five (365) consecutive days subjects Licensee to mandatory nonrenewal or revocation of said License held by Licensee as determined by Council;

20. Pursuant to Section 10.063 E.3. of the Code of General Ordinances, the accumulation of one hundred (100) demerit points subjects the Licensee to nonrenewal, revocation and/or suspension of said License held by Licensee, as determined by Council.

NOW, THEREFORE, Complainant requests the suspension and/or revocation of the License held by Licensee.

Dated at Kenosha, Wisconsin, this _____ day of May, 2014.

CITY OF KENOSHA, WISCONSIN

DEBRA SALAS
City Clerk/Treasurer

Subscribed and sworn to before me
this _____ day of May, 2014.

Notary Public, Kenosha County, WI
My Commission expires/is: _____

Drafted by:
MATTHEW A. KNIGHT
Deputy City Attorney

COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN

In The Matter Of:

The Class "A" Retail Beer License of
PDQ FOOD STORES, INC.
d/b/a PDQ STORE #351
Kathy Loberger, Agent
8012 – 39th Avenue
Kenosha, WI 53142

SUMMONS
ORDER TO APPEAR
AND SHOW CAUSE

TO: Kathy Loberger, Agent
PDQ Store #351
8012 – 39th Avenue
Kenosha, WI 53142

YOU ARE HEREBY ORDERED TO APPEAR AND SHOW CAUSE, on Monday, the 24th day of March, 2014, at 5:00 o'Clock in the P.M. in Room 202 of the Municipal Office Building, 625 52nd Street, Kenosha, Wisconsin, before the Committee on Licenses/Permits of the Common Council of the City of Kenosha, Wisconsin, AND SHOW CAUSE why the Class "A" Retail Beer License should not be revoked for the reasons specified in the attached Complaint.

YOUR FAILURE TO APPEAR WILL RESULT IN THE
NON RENEWAL AND REVOCATION OF SAID LICENSE

Dated at Kenosha, Wisconsin, this _____ day of March, 2014.

CITY OF KENOSHA, WISCONSIN

By: _____
DEBRA SALAS
City Clerk/Treasurer

Drafted by:
MATTHEW A. KNIGHT
Deputy City Attorney

COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN

In The Matter Of:

The Class “A” Retail Beer License of
PDQ FOOD STORES, INC.
d/b/a PDQ STORE #351
Kathy Loberger, Agent
8012 – 39th Avenue
Kenosha, WI 53142

COMPLAINT

NOW COMES DEBRA SALAS, City Clerk/Treasurer for the City of Kenosha, Wisconsin, and hereby states and complains as follows:

1. Debra Salas is an adult resident of the State of Wisconsin, and is the City Clerk/Treasurer for the City of Kenosha, Wisconsin;
2. Kathy Loberger, agent of PDQ Food Stores, Inc., d/b/a PDQ Store #351, hereinafter “Licensee”, at all times relevant herein, was and is an adult resident of the City of Kenosha, Wisconsin, and as of March 4, 2013, resided at 8552 – 84th Street, Kenosha, Wisconsin;
3. Licensee was initially granted a Class “A” Retail Beer License, hereinafter “License”, by the Common Council for the City of Kenosha, Wisconsin, hereinafter referred to as “Council”, on July 1, 1992, pursuant to Chapter 10 of the Code of General Ordinances of the City of Kenosha, Wisconsin;
4. On June 3, 2013, the Council granted renewal of said License pursuant to Section 10.063 G. of the Code of General Ordinances, Kenosha, Wisconsin, for the licensing period beginning on July 1, 2013, and concluding on June 30, 2014, subject to forty (40) demerit points.
5. That Licensee was assessed twenty-five (25) demerit points based upon a conviction of Licensee's employee, Obadiah Bennett, and one companion citation issued to Kathy Loberger, the Licensee's agent, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1. and 10.063 E.7., of the

Code of General Ordinances, said violation having occurred on September 23, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on January 21, 2014;

6. That Licensee was assessed fifty (50) demerit points based upon a conviction of Licensee's employee, Samantha Crocker, and one companion citation issued to Kathy Loberger, the Licensee's agent, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1., 10.063 E.7., and 10.063 E.9., of the Code of General Ordinances, said violation having occurred on January 22, 2014, and resulting in a conviction in the Municipal Court for the City of Kenosha on February 12, 2014;

7. That Licensee was assessed fifty (50) demerit points based upon a municipal citation issued to Licensee's employee, Carolyn Krisor, and a companion citation issued to Kathy Loberger, the Licensee's agent, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1., 10.063 E.7., and 10.063 E.9., of the Code of General Ordinances, said violation having occurred on February 6, 2014, with a pending municipal court pretrial date in the City of Kenosha Municipal Court;

8. That Licensee's agent and employees have violated Wisconsin Statute Chapter 125 more than two (2) times within three hundred sixty-five (365) consecutive days;

9. That Licensee has accumulated one hundred sixty-five (165) demerit points within seven hundred thirty (730) consecutive days pursuant to Section 10.063 of the Code of General Ordinances;

10. Pursuant to Section 10.063 E.1. of the Code of General ordinances, two (2) violations of Wisconsin Statute Chapter 125 within three hundred sixty-five (365) consecutive days subjects Licensee to a mandatory sixty (60) day suspension of said License held by Licensee as determined by Council;

11. Pursuant to Section 10.063 E.2. of the Code of General Ordinances, more than two (2) violations of Wisconsin Statute Chapter 125 within three hundred sixty-five (365) consecutive days subjects Licensee to mandatory nonrenewal or revocation of said License held by Licensee as determined by Council;

12. Pursuant to Section 10.063 E.3. of the Code of General Ordinances, the accumulation of one hundred (100) demerit points subjects the Licensee to nonrenewal, revocation and/or suspension of said License held by Licensee, as determined by Council.

NOW, THEREFORE, Complainant requests the suspension and/or revocation of the License held by Licensee.

Dated at Kenosha, Wisconsin, this _____ day of March, 2014.

CITY OF KENOSHA, WISCONSIN

DEBRA SALAS
City Clerk/Treasurer

Subscribed and sworn to before me
this _____ day of March, 2014.

Notary Public, Kenosha County, WI
My Commission expires/is: _____

Drafted by:
MATTHEW A. KNIGHT
Deputy City Attorney