



License Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Agenda

Tuesday, February 2, 2021

7:00 PM

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **License Committee** of the City of De Pere will be held on **February 2, 2021** at **7:00 PM**.

Due to the current public health emergency, the meeting will be held electronically and the public may attend this meeting electronically or telephonically by accessing either:

Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/DePere>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(312\) 757-3117](tel:+13127573117)

Access Code: 154-883-285

THIS MEETING WILL NOT BE HELD IN PERSON.

Call to Order

1. Roll Call
2. Approval of the Minutes of the November 17, 2020 License Committee meeting.
3. Application for Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License for Jeff L. Labombarb, O.T.R. Pub, 413 Main Ave. Submitted by Jeff L. Labombarb, Green Bay, WI.*
4. Future Agenda Items
5. Adjournment.

Respectfully Submitted,

Ann Ledvina, Deputy Clerk Treasurer

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk's office at 339-4050 by Noon, the previous day so that arrangements can be made.

***Items with an asterisk require City Council approval.**

Agenda Sent To:

Alderspersons

City Administrator

Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Jeff Labombarb



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: February 2, 2021

DEPARTMENT: City Clerk

FROM: Ann Ledvina

SUBJECT: Approval of the Minutes of the November 17, 2020 License Committee meeting.

ATTACHMENTS:

- 11-17-20 License Committee Minutes_Draft (DOC)



License Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Draft Minutes

Tuesday, November 17, 2020

7:00 PM

1. Call to Order. The meeting was called to order at 7:00 PM by Alderperson Dan Carpenter.

Attendee Name	Title	Status	Arrived
Dan Carpenter	Alderperson	Present	
Mike Eserkaln	Alderperson	Present	
Shana Defnet Ledvina	Alderperson	Excused	

Also present: City Attorney Judy Schmidt-Lehman, Assistant City Attorney Kristen Johnson, and City Clerk Carey Danen.

2. Approval of the minutes of the Oct. 20, 2020 License Committee meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Mike Eserkaln, Alderperson
AYES:	Dan Carpenter, Mike Eserkaln
EXCUSED:	Shana Defnet Ledvina

3. Request by Dylan Doxtater-Gillis to appear before the License Committee regarding denial of his Operator License Application.*

Alderperson Carpenter moved, seconded by Alderperson Eserkaln to open the meeting. Upon vote, motion carried unanimously. The applicant answered Committee members' questions. Alderperson Carpenter moved, seconded by Alderperson Eserkaln to close the meeting. Upon vote, motion carried unanimously.

In response to a question from Alderperson Carpenter, Assistant City Attorney Kristen Johnson explained that the Committee cannot place restrictions on the granting of a license to restrict the holder to working at a certain business. Alderperson Carpenter moved, seconded by Alderperson Eserkaln to recommend denial of the request. Upon vote, motion carried unanimously.

4. Request by the Chief of Police to conduct a pre-hearing on the Class B Combination Liquor License issued to Crystal Jenss (DBA On The Rocks Bar) 413 Main Ave. based upon allegations of liquor license regulation violations.*

Police Captain Jeremy Muraski provided an overview of events which prompted the request for a pre-hearing. Assistant City Attorney Kristen Johnson reported that she spoke to the license holder's attorney, who indicated they are not planning to appear at the meeting tonight, and do not object to an evidentiary hearing.

Alderperson Carpenter moved, seconded by Alderperson Eserkaln to recommend to the Common Council that an evidentiary hearing be held. Upon vote, motion carried unanimously.

5. Future Agenda Items.
None.

6. Adjournment.

Aldersperson Carpenter moved, seconded by Aldersperson Eserkaln to adjourn the meeting at 7:07 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: February 2, 2021

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Application for Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License for Jeff L. Labombarb, O.T.R. Pub, 413 Main Ave. Submitted by Jeff L. Labombarb, Green Bay, WI.*

ATTACHMENTS:

- Beiderwieden Denial recommendation for OTR Liq Lic 2020 (2) CC 2-2-21 (PDF)
- License Committe & CC - Granting of New Liquor Licenses (PDF)
- Operator App Labombarb (PDF)

CITY OF DE PERE
POLICE DEPARTMENT

MEMORANDUM

To: License Committee Members

From: Derek A. Beiderwieden, Chief of Police

Date: January 29, 2021

Subject: OTR License Application Recommendation

OTR, formerly known as On the Rocks, a bar located at 413 Main Avenue in De Pere, is applying for a new liquor license.

Officers from the De Pere Police Department have received numerous calls for service (at least seven) and have discovered other violations on their own at this address since early 2018. The police department has taken enforcement action at On the Rocks that included violations of allowing underage individuals on licensed premises, underage drinking/consumption violations, false identification violations, obstructing police, a weapons call, battery and disorderly conduct. This location is widely known to be a popular establishment for underage high school and college students. Up to 150 citations have been issued in the last three years to patrons and staff at this address.

Problems like those noted above create issues for the surrounding area, not just the licensed establishment. Other businesses and residential spaces located near this establishment are all negatively affected by illegal activity. In order to maintain public peace and order in and around this part of the city's vibrant Downtown, I am recommending the application for a new liquor license at this premises be denied.

MEMORANDUM

TO: Members of the License Committee
Members of the Common Council

FROM: Kristen Johnson, Assistant City Attorney

DATE: February 2, 2021 (meeting date)

RE: Granting New Liquor Licenses

This memo is to provide you with information on State law requirements concerning Council authority in granting new liquor licenses.

The basic qualifications for receiving an alcohol license are established in Wis. Stat. §125.04, and include, among other things, requirements that the individual has attained the legal drinking age, has completed a responsible beverage server training course within two years prior to the date of application, and does not have an arrest or conviction record in violation of the statutes. While a municipality is required to issue an operators (bartenders) license to any applicant who is qualified under Wis. Stat. 125.04(5), the same is not true for issuance of a retail liquor license.

There is no right to a retail liquor license in Wisconsin, rather the issuance of such a license is a privilege granted by local authorities. A municipality may determine to not issue or grant a license for any reason that is not discriminatory or arbitrary., while the decision to revoke or suspend or not renew a previously granted liquor license requires the occurrence of specific alcohol related violations. The decision to issue or grant a new liquor license is discretionary as described in Wis. Stat. § 125.12(3m), which states:

125.12(3m) Refusals by local authorities to issue licenses. If a municipal governing body or duly authorized committee of a city council decides not to issue a new license under this chapter, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision.

As noted above however, a decision to not grant a new retail license cannot be arbitrary or discriminatory. Rather, the decision to not issue a new retail license should be based upon objective factors bearing on the public health, safety and welfare of the community.

I am unable to attend the meeting on February 2, 2021, but please feel free to contact me directly if you have any questions prior to the meeting.

KKJ

Cc: Judith Schmidt-Lehman, City Attorney

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: _____ ending: June 30, 2021
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☒ City of De Pere

County of BROWN Aldermanic Dist. No. _____
(if required by ordinance)

Check one: ☒ Individual ☐ Limited Liability Company
☐ Partnership ☐ Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number 3.c	
FEIN Number	
TYPE OF LICENSE REQUESTED	FEE
☐ Class A beer	\$
☒ Class B beer	\$
☐ Class C wine	\$
☐ Class A liquor	\$
☐ Class A liquor (cider only)	\$ N/A
☒ Class B liquor	\$
☐ Reserve Class B liquor	\$
☐ Class B (wine only) winery	\$
Publication fee	\$ <u>30</u>
TOTAL FEE	\$

R# 15781

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Labombard Jeff L.

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name <u>Labombard</u>	(First) <u>Jeff</u>	(Middle Name) <u>L</u>	Home Address (Street, City or Post Office, & Zip Code)
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name O.T.R. Pub Business Phone Number 920-530-1399

2. Address of Premises 413 Main Ave De Pere Post Office & Zip Code 54115

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

Alcohol will be stored behind the bar on shelf and cabinets.

4. Legal description (omit if street address is given above): _____

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No

(b) If yes, under what name was license issued? On the Rocks 2

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? If yes, explain ☒ Yes ☐ No
7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? If yes, explain ☐ Yes ☒ No
9. (a) Corporate/limited liability company applicants only: Insert state _____ and date _____ of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? If yes, explain ☐ Yes ☒ No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? If yes, explain. ☐ Yes ☒ No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ☒ Yes ☐ No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <i>Lombardi JEFF</i>	Title/Member <i>Owner</i>	Date <i>1/13/2021</i>
Signature <i>Jeff Lombardi</i>	Phone Number <i>920-530-1399</i>	Email Address <i>besinn2@gmail.com</i>

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <i>1-15-21</i>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: February 2, 2021

DEPARTMENT: City Clerk

FROM: Ann Ledvina

SUBJECT: Future Agenda Items
