



License Committee

Regular Meeting

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

Agenda

Tuesday, November 17, 2020

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 **November 17, 2020** 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 Oct. 20, 2020 License Committee meeting.
3. Request by Dylan Doxtater-Gillis to appear before the License Committee regarding denial of his Operator License Application.*
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.*
5. Future Agenda Items.
6. 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
Dylan Doxtater-Gillis
Crystal Jenss



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: November 17, 2020

DEPARTMENT: City Clerk

FROM: Ann Ledvina

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

ATTACHMENTS:

- 10-20-20 License Committee Minutes (DOC)



License Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Tuesday, October 20, 2020

7:15 PM

1. Call to Order. The meeting was called to order at 7:15 PM by Alderperson Dan Carpenter.

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

Also present: City Attorney Judy Schmidt-Lehman and City Clerk Carey Danen.

2. Approval of the Minutes of the October 6, 2020 License Committee Meeting.

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

3. Application for Change of Agent submitted by Kwik Trip #127.*

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

4. Future agenda items.
None.

5. Adjournment.

Alderperson Carpenter moved, seconded by Alderperson Eserkaln to adjourn the meeting at 7:16 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: November 17, 2020

DEPARTMENT: City Clerk

FROM: Ann Ledvina

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

This application was denied on 10/22/2020 by the City Clerk.



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: November 17, 2020

DEPARTMENT: Police

FROM: Derek Beiderwieden

SUBJECT: 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.*

The department has received multiple complaints regarding the bar On the Rocks (413 Main Ave.). The complaints were regarding On The Rocks allowing people under the age of 21 inside and consuming alcohol. On 10-30-2020, a compliance check was performed at the bar. Through the investigation, 51 underage individuals were located inside the bar. Only two individuals out of 51 were found to have been in possession of false identification. All but one of the 51 cited individuals were under the influence with most over the legal driving limits if they were 21 years of age. Two individuals had high concentrations of alcohol in their blood that resulted in .211 and .216% reading on the preliminary breath tests. The owner of the bar, Crystal Jenss, was the bartender at the time of this incident. The liquor license for this location was issued to Crystal Jenss as an individual and she is listed as the manager on the liquor license application. Crystal Jenss received 51 citations for allowing an underage person on a licensed premise in violation of Sec. 7.125.07 of the De Pere Municipal Code.

ATTACHMENTS:

- License Committee - Prehearing on Liquor License (PDF)

MEMORANDUM

TO: License Committee Members
Common Council Members

FROM: Kristen Johnson, Assistant City Attorney

DATE: November 17, 2020 (meeting date)

RE: Conduct of Liquor License Prehearing Upon Allegation of Regulation Violations

The purpose of this memo is to provide the License Committee with information regarding the procedure for a liquor license prehearing upon allegation of regulation violations under § 7-13(d) De Pere Municipal Code.

A hearing is necessary before a liquor license can be suspended or revoked under constitutional requirements of due process: governmental entities may not deprive persons of property without due process of law. Due process has two components; providing notice of the reasons or basis of the action being taken and providing an opportunity to object to those reasons and the action being taken.

Under § 7-13 DPMC, the City has established a process by which a liquor license may be suspended or revoked. A state or city agency may submit to the city clerk a written request for a prehearing before the License Committee alleging a violation of state liquor laws or any violation listed in § 7-13 DPMC. The code specifies that the conduct of the prehearing shall be informal, allowing the Committee an opportunity to hear general allegations and permitting the accused licensee to respond. The code also identifies the purpose of the prehearing, which is to determine if the allegations are of sufficient magnitude, importance or otherwise of such a nature as to require a formal evidentiary hearing before the Common Council.

At the prehearing, the Police Department will present information to the Committee regarding the alleged violations. The Committee must give the licensee an opportunity to respond, but the licensee is not required to do so. It is important to note that the prehearing allows the Committee to hear only general allegations of violations. This is to ensure that members of the Committee remain unbiased. In the event a formal evidentiary hearing is held before the Council, it is important that all members of the Council remain impartial. If the Committee receives information that results in a member or members prejudging the matter, that member or members should recuse themselves from acting as part of the hearing body. Details of specific violations are to be presented at a formal evidentiary hearing for the Council to consider in rendering its decision. Ensuring due process will make it less likely that the action will be overturned on appeal. Everyone has an interest in making sure there is finality to the Council's decision.

After receiving information from the Police Department and allowing the licensee an opportunity to respond, the Committee shall determine how to proceed. The municipal code identifies three potential actions the Committee may take:

1. To issue a letter of warning to the licensee to become part of the licensee's permanent file;
2. No action be taken; or
3. To recommend to the Common Council that a formal evidentiary hearing be held.

In determining the appropriate course of action, the Committee shall consider:

1. The licensee's history of convictions, charges or complaints, and the relationship of such history to the licensed activities.
2. The length of time since such conviction, charge or complaint.
3. The circumstances and seriousness surrounding the complaints before the Committee.
4. The degree of personal rehabilitation since the last incident involving the licensee.
5. The community standards or interests to be protected.
6. The need for a formal hearing to clarify the facts in regard to the complaint before the Committee.

The recommendation of the Committee will go to Council on November 17, 2020. If a formal evidentiary hearing is recommended and the Council approves the recommendation, a formal evidentiary hearing will be scheduled for a future date. This will allow the City Attorney's Office an opportunity to ensure that a formal complaint is filed and served upon the licensee pursuant to Wis. Stat. § 125.12.

I will attend the License Committee meeting on November 17, 2020, in order to advise the Committee as it holds this prehearing. If you have any questions or concerns ahead of the meeting, please call me at 339-4070 or email me at kkjohnson@deperewig.gov to discuss.

KKJ



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: November 17, 2020

DEPARTMENT: City Clerk

FROM: Ann Ledvina

SUBJECT: Future Agenda Items.
