



# License Committee

## Regular Meeting

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

### Agenda

**Tuesday, November 7, 2023**

**7:00 PM**

**Council Chambers and Virtual**

Pursuant to Wisconsin Statute 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 7, 2023 at 7:00 PM** in the **COUNCIL CHAMBERS, 2ND FLOOR CITY HALL, 335 S. BROADWAY STREET. DE PERE.**

**The public may attend the meeting either in person in the Council Chambers or electronically/telephonically. Electronic or telephonic access to the meeting is provided below:**

**Computer/smart phone accessing <https://www.gotomeet.me/DePere>**

**OR**

**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

#### Call to Order

1. Roll Call
2. Approval of the minutes of the September 19, 2023 License Committee meeting.
3. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the License Committee. §6-3(f) DPMC
4. Application for a Class "B" Fermented Malt Beverage License for De Pere Deacons Hockey Team, Inc. (DBA De Pere Deacons Hockey Team), 1450 Ft. Howard Av. Submitted by De Pere Deacons Hockey Team, Inc. Agent: David E. Lepp, Green Bay, WI.\*
5. Application for a Class "A" Fermented Malt Beverage and "Class A" Intoxicating Liquor License for RSL Petroleum LLC (DBA Lawrence Food Mart), 1017 4th St. Submitted by RSL Petroleum LLC, Agent: Lok Bhatta, Manitowoc, WI.\*
6. Request by Steven Lujan to appear before the License Committee regarding the denial of his operator license application.\*
7. Future agenda items.
8. Adjournment.

Respectfully Submitted,

Carey Danen, Clerk

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  
David Lepp  
Lok Bhatta  
Steven Lujan



City of De Pere, Wisconsin

**Request For License Committee Action**

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**MEETING DATE:** November 7, 2023

**DEPARTMENT:** City Clerk

**FROM:** Carey Danen

**SUBJECT:** Approval of the minutes of the September 19, 2023 License Committee meeting.

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**ATTACHMENTS:**

- 9-19-23 License Committee Minutes\_Draft (PDF)



# License Committee

## Regular Meeting

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

### Draft Minutes

Tuesday, September 19, 2023

7:00 PM

Council Chambers and Virtual

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 |         |
| Pamela Gantz  | Alderperson | Present |         |
| Devin Perock  | Alderperson | Present |         |

Also present: City Attorney Tony Wachewicz and City Clerk Carey Danen.

2. Approval of the minutes of the September 5, 2023 License Committee meeting.

|                  |                                           |
|------------------|-------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | Dan Carpenter, Alderperson                |
| <b>SECONDER:</b> | Pamela Gantz, Alderperson                 |
| <b>AYES:</b>     | Dan Carpenter, Pamela Gantz, Devin Perock |

3. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the License Committee. §6-3(f) DPMC

None.

4. Application for a Class "B" Fermented Malt Beverage License and "Class B" Intoxicating Liquor License for La Catrina Restaurant & Tortilleria (DBA La Catrina), 310 N. Wisconsin St. Suite F. Submitted by La Catrina Restaurant & Tortilleria. Agent: Samuel Eason, Green Bay, WI.\*

|                  |                                           |
|------------------|-------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | Dan Carpenter, Alderperson                |
| <b>SECONDER:</b> | Devin Perock, Alderperson                 |
| <b>AYES:</b>     | Dan Carpenter, Pamela Gantz, Devin Perock |

5. Application for a Class "B" Fermented Malt Beverage License and "Class B" Intoxicating Liquor License for De Pere Cultural Foundation, Inc. (DBA Mulva Cultural Center), 221 S. Broadway. Submitted by the De Pere Cultural Foundation, Inc. Agent: Justin Nagan, Appleton, WI.\*

|                  |                                           |
|------------------|-------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | Dan Carpenter, Alderperson                |
| <b>SECONDER:</b> | Pamela Gantz, Alderperson                 |
| <b>AYES:</b>     | Dan Carpenter, Pamela Gantz, Devin Perock |

6. Future agenda items.  
None.

7. Adjournment.

Alderperson Carpenter moved, seconded by Alderperson Perock to adjourn the meeting at 7:02 PM. Upon vote, motion carried unanimously.

Respectfully submitted,  
Carey Danen, City Clerk



City of De Pere, Wisconsin

**Request For License Committee Action**

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**MEETING DATE:** November 7, 2023

**DEPARTMENT:** City Clerk

**FROM:** Carey Danen

**SUBJECT:** Application for a Class "B" Fermented Malt Beverage License for De Pere Deacons Hockey Team, Inc. (DBA De Pere Deacons Hockey Team), 1450 Ft. Howard Av. Submitted by De Pere Deacons Hockey Team, Inc. Agent: David E. Lepp, Green Bay, WI.\*

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**ATTACHMENTS:**

- De Pere Deacons Hockey Class B Beer Application 11.7.23 (PDF)

# Renewal Alcohol Beverage License Application

(Submit to municipal clerk. Read instructions on page 3.)

For the license period beginning: 11.01.23 ending: 05.01.24  
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☒ City of DePue

County of Brown Aldermanic Dist. No. \_\_\_\_\_  
(if required by ordinance)

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

Complete A or B. All must complete C.

## A. Individual or Partnership:

|                  |         |               |                                                        |
|------------------|---------|---------------|--------------------------------------------------------|
| Full Name (Last) | (First) | (Middle Name) | Home Address (Street, City or Post Office, & Zip Code) |
| LEPP             | DAVID   | EDWARD        |                                                        |
| Full Name (Last) | (First) | (Middle Name) | Home Address (Street, City or Post Office, & Zip Code) |
|                  |         |               |                                                        |
| Full Name (Last) | (First) | (Middle Name) | Home Address (Street, City or Post Office, & Zip Code) |
|                  |         |               |                                                        |

## B. LLC or Corporation (and Agent):

|                                                                                     |                                                                                          |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Full Legal Name of Corporation / Nonprofit Organization / Limited Liability Company | Address of Corporation / Limited Liability Company (if different from licensed premises) |
| DEPUE DRACONS HOCKEY TEAM, LLC                                                      |                                                                                          |

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent.

|                 |         |               |                                                        |
|-----------------|---------|---------------|--------------------------------------------------------|
| Agent Last Name | (First) | (Middle Name) | Home Address (Street, City or Post Office, & Zip Code) |
| LEPP            | DAVID   | EDWARD        |                                                        |

## All Officer(s) Director(s) of Corporation and Members / Managers of Limited Liability Company:

|                                   |         |               |                                                        |
|-----------------------------------|---------|---------------|--------------------------------------------------------|
| President / Member Last Name      | (First) | (Middle Name) | Home Address (Street, City or Post Office, & Zip Code) |
| LEPP                              | DAVID   | EDWARD        |                                                        |
| Vice President / Member Last Name | (First) | (Middle Name) | Home Address (Street, City or Post Office, & Zip Code) |
| NATHAN                            | GREG    | FRANCIS       |                                                        |
| 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) |
|                                   |         |               |                                                        |
| Directors / Managers 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) |
|                                   |         |               |                                                        |

## C. Business Information

- Trade Name DEPUE DRACONS HOCKEY TEAM, LLC Business Phone Number 920.660.0933
- Address of Premises 1450 FT. HOWARD AV Post Office & Zip Code DEPUE, WI 54115
- Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No
- 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.) 1ST AND SECOND FLOORS @ DEPUE ICE ARENA

|                                                      |          |
|------------------------------------------------------|----------|
| Applicant's Wisconsin Seller's Permit Number         |          |
| EXEMPT                                               |          |
| FEIN Number                                          |          |
| 460893404                                            |          |
| TYPE OF LICENSE REQUESTED                            | FEE      |
| <input type="checkbox"/> Class A beer                | \$       |
| <input checked="" type="checkbox"/> Class B beer     | \$       |
| <input type="checkbox"/> Class C wine                | \$       |
| <input type="checkbox"/> Class A liquor              | \$       |
| <input type="checkbox"/> Class A liquor (cider only) | \$ N/A   |
| <input type="checkbox"/> Class B liquor              | \$       |
| <input type="checkbox"/> Reserve Class B liquor      | \$       |
| <input type="checkbox"/> Class B (wine only) winery  | \$       |
| Publication fee                                      | \$ 30.00 |
| TOTAL FEE                                            | \$ 30.00 |

5. Legal description (omit if street address is given on previous page): \_\_\_\_\_
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? **If yes, complete page 3** ..... ☐ Yes ☒ No
- b. Are **charges for any offenses** presently **pending** (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? **If yes, explain fully on page 3.** ..... ☐ Yes ☒ No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? **If yes, explain** ..... ☐ Yes ☒ No
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? **If not, explain** ..... ☒ Yes ☐ No
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
9. Does the applicant understand they must hold a Wisconsin Seller's Permit? **Exempt Per Canale** ... ☐ Yes ☐ No  
[phone (608) 266-2776]
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ..... ☒ Yes ☐ No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ..... ☐ Yes ☒ No
12. Does the applicant owe municipal property taxes, assessments, or other fees? ..... ☐ Yes ☒ No  
(Note: Renewal of licenses may be denied pursuant to a local ordinance, if the licensee owes municipal taxes, assessments or other fees).

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

|                                                                       |                                     |                                             |
|-----------------------------------------------------------------------|-------------------------------------|---------------------------------------------|
| Contact Person's Name (Last, First, M.I.)<br><b>LEPP DAVID EDWARD</b> | Title / Member<br><b>MEMBER</b>     | Date<br><b>9.17.23</b>                      |
| Signature<br><i>David E Lepp</i>                                      | Phone Number<br><b>920.660.0933</b> | Email Address<br><b>dlepp@7kw@gmail.com</b> |

#### TO BE COMPLETED BY CLERK

|                                                                |                                  |                                   |
|----------------------------------------------------------------|----------------------------------|-----------------------------------|
| Date received and filed with municipal clerk<br><b>9/15/23</b> | Date reported to council / board | Date license granted              |
| License number issued                                          | Date license issued              | Signature of Clerk / Deputy Clerk |

## Instructions for Renewal Alcohol Beverage License Application

### THIS RENEWAL FORM CANNOT BE USED IF:

1. There is a change in business entity (i.e., individual has changed to partnership or corporation/limited liability company; partnership changed to individual or corporation/limited liability company; corporation changed to individual, partnership or limited liability company) and if limited liability company has been dissolved.
2. Partners are added or dropped.
3. Application is made in a different municipality.

### PARTNERSHIPS:

Indicate full name and home address of each partner. One partner must sign application. **Reminder:** If partners have been added or dropped since your last application, you must use Form AT-106 (Original Beverage License Application).

### CORPORATIONS:

One officer must sign application. Be sure to answer Question No. 7 by indicating any change of officers, directors, and/or changes in home address. If there are any changes in officers and/or directors each must complete Form AT-103 (Auxiliary Questionnaire). If there has been a change in agent since your last approved agent, he/she must complete Forms AT-104 (Schedule for Appointment of Agent) **AND** AT-103 (Auxiliary Questionnaire) in addition to this (AT-115) form.

### LIMITED LIABILITY COMPANY:

One member/manager must sign application. Follow procedure under Corporations for any change of members or agent.

**NOTE:** Use ink or typewriter when filling in applications. Be sure to answer all questions fully and accurately. 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.

### DISCRIMINATION CLAUSE – (City of Milwaukee only)

The applicant shall not willfully refuse to provide those services offered under this license or refuse to employ or discharge any person otherwise qualified because of race, color, creed, sex, national origin or ancestry, the applicant shall not seek information as a condition of employment, or penalize any employee or discriminate in the selection of personnel for training or promotion solely on the basis of such information. The applicant also shall not discriminate against any member of the military service dressed in uniform by willfully refusing services offered under this license.

Complete, sign and return this form to the clerk.

If answer to Questions No. 6a and/or 6b on page 2 are "YES," outline details below:

### CONVICTIONS

1. NAME NONE STATUTE NO./LOCAL ORDINANCE \_\_\_\_\_  
CHARGE \_\_\_\_\_ WHERE CONVICTED \_\_\_\_\_  
DATE \_\_\_\_\_ PENALTY \_\_\_\_\_ ☐ MISDEMEANOR ☐ FELONY
2. NAME \_\_\_\_\_ STATUTE NO./LOCAL ORDINANCE \_\_\_\_\_  
CHARGE \_\_\_\_\_ WHERE CONVICTED \_\_\_\_\_  
DATE \_\_\_\_\_ PENALTY \_\_\_\_\_ ☐ MISDEMEANOR ☐ FELONY
3. NAME \_\_\_\_\_ STATUTE NO./LOCAL ORDINANCE \_\_\_\_\_  
CHARGE \_\_\_\_\_ WHERE CONVICTED \_\_\_\_\_  
DATE \_\_\_\_\_ PENALTY \_\_\_\_\_ ☐ MISDEMEANOR ☐ FELONY

### PENDING CHARGE

1. NAME \_\_\_\_\_ STATUTE NO./LOCAL ORDINANCE \_\_\_\_\_  
PENDING CHARGE \_\_\_\_\_ DATE \_\_\_\_\_



City of De Pere, Wisconsin

**Request For License Committee Action**

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**MEETING DATE:** November 7, 2023

**DEPARTMENT:** City Clerk

**FROM:** Carey Danen

**SUBJECT:** Application for a Class "A" Fermented Malt Beverage and "Class A" Intoxicating Liquor License for RSL Petroleum LLC (DBA Lawrence Food Mart), 1017 4th St. Submitted by RSL Petroleum LLC, Agent: Lok Bhatta, Manitowoc, WI.\*

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The agent for this application has been approved, but the police chief was unable to sign off before the publication deadline as he is currently out of the office.

**ATTACHMENTS:**

- RSL (Lawrence Food Mart) Class A Combo Application 11.7.23 (PDF)

Form  
AT-106Original Alcohol Beverage  
License Application

FOR CLERKS ONLY

Municipality

License Period

## License(s) Requested

- ☒ Class "A" Beer ..... \$ \_\_\_\_\_ ☒ "Class A" Liquor ..... \$ \_\_\_\_\_
- ☐ Class "B" Beer ..... \$ \_\_\_\_\_ ☐ "Class B" Liquor ..... \$ \_\_\_\_\_
- ☐ "Class C" Wine ..... \$ \_\_\_\_\_ ☐ "Class A" Liquor (Cider Only) \$ 0
- ☐ Reserve "Class B" Liquor \$ \_\_\_\_\_ ☐ "Class B" (Wine Only) Winery \$ \_\_\_\_\_

|                   |          |
|-------------------|----------|
| License Fees      | \$       |
| Publication Fee   | \$ 30.00 |
| Background Check  | \$       |
| <b>Total Fees</b> | \$       |

## Part A: Premises/Business Information

1. Legal Business Name (registered entity name or individual's name if sole proprietorship)

RSL Petroleum LLC

2. Trade Name or DBA

Lawrence Food Mart

3. Premises Address

1017 4th Street

4. County

Brown

5. Municipality

De Pere

6. Aldermanic District

7. Mailing Address (if different from premises address)

8. FEIN

93-3624309

9. Wisconsin Seller's Permit Number

456-1031495694-04

10. Premises Phone

920-336-4275

11. Premises Email

Lokraj.bhatta@yahoo.com

12. Entity Type (check one)

- ☐ Sole Proprietor ☐ Partnership ☒ Limited Liability Company ☐ Corporation ☐ Nonprofit Organization

13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe 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 in this application. Attach additional sheets if necessary.

- inside the building
- inside the cooler
- on the floor

## Part B: Questions

1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate ..... ☐ Yes ☒ No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? ..... ☐ Yes ☒ No  
If yes, please explain using the space below. Attach additional sheets if necessary.

**Part C: For Corporate/LLC Applicants Only**

|                                                                                                                                                                                                                                                                                                                                                                                             |                                  |                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------------------------------------------|
| 1. State of Registration<br><b>Wisconsin</b>                                                                                                                                                                                                                                                                                                                                                |                                  | 2. Date of Registration<br><b>Sept 27, 2023</b> |
| 3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors ..... <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                      |                                  |                                                 |
| Name of Parent Company                                                                                                                                                                                                                                                                                                                                                                      |                                  | FEIN of Parent Company                          |
| 4. Does the parent company or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>If yes, please explain using the space below. Attach additional sheets if necessary. |                                  |                                                 |
| 5. Agent's Last Name<br><b>Bhatta</b>                                                                                                                                                                                                                                                                                                                                                       | Agent's First Name<br><b>Lok</b> | Phone<br><b>920-316-2610</b>                    |

**Part D: Individual Information**

A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

| Last Name     | First Name     | Title        | Phone               |
|---------------|----------------|--------------|---------------------|
| <b>Bhatta</b> | <b>Lok Raj</b> | <b>owner</b> | <b>920-316-2610</b> |
|               |                |              |                     |
|               |                |              |                     |
|               |                |              |                     |

**Part E: Attestation**

Who must sign this application?

- sole proprietor      • one general partner of a partnership      • one corporate officer      • one managing member of an LLC

**READ CAREFULLY BEFORE SIGNING:** Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

|                                                   |                                         |                              |
|---------------------------------------------------|-----------------------------------------|------------------------------|
| Signature<br><b>Lzhatta</b>                       |                                         | Date<br><b>10/02/23</b>      |
| Name (Last, First, M.I.)<br><b>Bhatta Lok Raj</b> |                                         |                              |
| Title<br><b>owner</b>                             | Email<br><b>Lokraj.bhatta@yahoo.com</b> | Phone<br><b>920-316-2610</b> |

**Part F: For Clerk Use Only**

|                                                          |                                 |                                                 |
|----------------------------------------------------------|---------------------------------|-------------------------------------------------|
| Date application was filed with clerk<br><b>10/13/23</b> | Date reported to governing body | Date provisional license issued (if applicable) |
| Date license granted                                     | License number                  | Date license issued                             |
| Signature of Clerk/Deputy Clerk                          |                                 |                                                 |



City of De Pere, Wisconsin

**Request For License Committee Action**

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**MEETING DATE:** November 7, 2023

**DEPARTMENT:** City Clerk

**FROM:** Carey Danen

**SUBJECT:** Request by Steven Lujan to appear before the License Committee regarding the denial of his operator license application.\*

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**ATTACHMENTS:**

- Alcohol Beverage Licenses - Enforcement Policy Guidelines - final copy (PDF)

CITY OF DE PERE  
ALCOHOL BEVERAGE LICENSES  
ENFORCEMENT POLICY GUIDELINES

**Intent.** It is the responsibility of the License Committee (“Committee”) of the De Pere Common Council to screen applications for alcohol beverage licenses within the City of De Pere (“City”) and to make recommendations to the Common Council for its decision under the City’s licensing authority in Chapter 125 of the Wisconsin Statutes and Chapter 7 of the De Pere Municipal Code. The Committee adopts the following guidelines in order to specify the reasons for denying, non-renewing or revoking an alcohol beverage license. If a decision is made to deny, revoke, suspend or non-renew a license, the Council is required to provide that person with a written reason for the denial. These guidelines are adopted to assist the Committee in its reviews and recommendations and the Common Council in its decision-making, to meet that requirement.

The following guidelines are established by the Committee to provide a framework for determining which persons are eligible for issuance of an alcohol beverage license (*i.e.* grounds for denial) and a framework for suspension, revocation or non-renewal. **Broad discretion is retained by both the Committee and the Common Council to consider each case on an individual basis. Deviation from the guidelines is permitted if unusual, exaggerated or mitigating circumstances exist, which may include, but are not limited to, the particular circumstances documented or the length of time that has expired since the offense.**

Alcohol beverage license holders must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintaining the safety of the community. Individuals with a past history of negative or uncooperative contacts with police agencies should be scrutinized to determine if their past behavior is compatible with these expectations; provided, however, that the Committee and the Common Council shall not discriminate against applicants based on a prior arrest or conviction record, pursuant to Wis. Stat. §§ 111.321, 111.322, 111.335 and 125.12(1)(b), unless the arrests or convictions substantially relate to the circumstances of the licensed activity. It is with these goals in mind that these guidelines are adopted.

For purposes of these guidelines, an “alcohol beverage license,” “license” or “permit” constitutes a retail license or an operator’s license. Additionally, the definition of “person” is as defined in Wis. Stat. § 125.02(14). Therefore, these guidelines also apply to corporations, limited liability companies, agents, and partnerships. A corporation or limited liability company with an arrest or conviction record may be issued a license if the corporation or limited liability company has terminated its relationship with all the individuals whose actions directly contributed to the conviction. **Furthermore, to the extent Wis. Stat. Ch. 125 or De Pere Ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the Committee may also rely on those provisions.**

**The Common Council will only deny renewal of, suspend or revoke a current alcohol beverage license under these guidelines, or other justification provided by law, if the person committed an offense substantially related to the licensed activity within the license year period immediately preceding the year for which the person is seeking renewal or within the license year period in which suspension or revocation is sought, unless the Police Chief demonstrates that previous offenses were not considered in the approval of the current license.** In the event the person is considered for non-renewal, suspension or revocation as the result of such an offense, the Committee and Common Council shall consider all offenses,

regardless of when they occurred, to determine application of these guidelines.

Additionally, with respect to a non-natural person, such person's license may be revoked, suspended or non-renewed in the event a new officer, director, member, or manager, is named and such person does not qualify under these guidelines; with the exception that a corporation or limited liability company may retain its license if it terminates its relationship with all the individuals whose actions directly contributed to the conviction. With respect to successor agents, see Wis. Stat. § 125.04(6).

Notwithstanding the above, the following violations may not be used as grounds for suspension, revocation or non-renewal of an existing license:

1. Furnishing alcohol beverages to underage persons (unless the licensee has committed more than one (1) violation within a one (1) year period, or has committed a single violation in two consecutive years); or
2. Violations punishable under Wis. Stat. § 945.03(2m), 945.04(2m) or 945.05(1m) (relating to commercial gambling and gambling devices).

**A copy of these guidelines shall be provided to each person who applies for a license.**

## GUIDELINES

**Guideline 1.** If the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of any felony, unless duly pardoned, does not qualify for an alcohol beverage license. (To the extent the other guidelines reference a specific offense, this guideline shall apply if the offense constitutes a felony.)

**Guideline 2.** If the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of, released from incarceration in a State or Federal Prison System, or a county jail for, or released from parole or probation status, for two (2) or more offenses, **arising out of separate incidents**, within the last ten (10) years in the following subcategories, does not qualify for an alcohol beverage license:

- (a) Violent crimes against the person of another, including but not limited to homicide, aggravated battery, sexual assault, injury by negligent use of a weapon, injury by negligent use of a vehicle, or injury by intoxicated use of a vehicle.
- (b) Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, obstructing a police officer, resisting arrest, bribery of public officers or employees, misconduct in public office, bomb scares, or acts or threats of terrorism.
- (c) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; possessing with intent to manufacture, distribute or deliver, a controlled substance or a controlled substance analog.

**Guideline 3.** Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of, released from incarceration in a State or Federal Prison System, or a county jail for, or released from parole or probation status, for two (2) or more offenses, **arising out of separate incidents**, within the last seven (7) years in the following subcategories, does not qualify for an alcohol beverage license:

- (a) Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.

- (b) Alcohol beverage offenses (under Wis. Stat. Ch. 125 or De Pere Ordinance Ch. 7 - excluding administrative violations such as “failure to frame license”) **(furnishing alcohol beverages to underage persons shall not be used as grounds for suspension, revocation, or non-renewal of an existing license unless the licensee has committed two (2) violations within a one (1) year period, or committed a single violation in two consecutive years).**
- (c) Perjury or false swearing, wherein the offense involves an incident at a place that is or should have been licensed under Wis. Stat. Ch. 125.
- (d) Possessing a controlled substance, controlled substance analog or drug paraphernalia.
- (e) Operating a motor vehicle while under the influence of intoxicants or drugs.
- (f) Operating a motor vehicle with a BAC in excess of .08% by weight.
- (g) Open intoxicants in public places or in a motor vehicle.

**Guideline 4.** Provided the offenses are **substantially related to the circumstances of the licensed activity**, any person who is a habitual law offender does not qualify for an alcohol beverage license. To constitute a habitual law offender there need not have been a trial or conviction for each or any offense. What is required is that the offenses were committed, that the law has been violated, and that the fact of such violations can be shown. *See Smith v. City of Oak Creek*, 139 Wis. 2d 788 (1987). For purposes of these guidelines, a habitual offender includes, but is not limited to a person who has committed two (2) or more offenses, each a separate incident, within the immediately preceding five (5) years.

**Guideline 5.** Provided the offenses are **substantially related to the circumstances of the licensed activity**, a pending criminal charge for any of the following offenses may be the basis for denial, non-renewal, suspension or revocation of an alcohol beverage license:

- (a) Any violation of Wis. Stat. Chapter 940, Crimes Against Life and Bodily Security.
- (b) The following violations of Wis. Stat. Chapter 948: sexual assault of a child, repeated sexual assault of the same child, physical abuse of a child, sexual exploitation of a child, trafficking of a child, causing a child to view or listen to sexual activity, incest with a child, child enticement, use of a computer to facilitate a child sex crime, soliciting a child for prostitution, sexual assault of a child placed in substitute care, sexual assault of a child by school staff person or a person who works or volunteers with children.
- (c) A violent crime against a child.
- (d) A violation of the law of another jurisdiction that would be a violation of (a), (b), or (c) if committed in this state.

**Guideline 6.** In addition to the other provisions under these guidelines, pursuant to Wis. Stat § 125.12, a person’s alcohol beverage license may be denied, non-renewed, suspended or revoked if the person:

- (a) Keeps or maintains a disorderly or riotous, indecent or improper house.
- (b) Sold or has given away alcohol beverages to known habitual drunkards.
- (c) Does not possess the qualifications under Chapter 125 of the Wisconsin Statutes and Chapter 7 of the De Pere Municipal Code to hold a license.
- (d) Was issued a license in conjunction with a warning letter as to any future law violations, regardless of whether the basis for the warning letter was conduct occurring earlier or outside of any of the time limits set forth in Guidelines 2, 3 and 4 above, and has committed a law violation subsequent to the issuance of the warning letter.

**Guideline 7.** Any person who materially falsifies an application for an alcohol beverage license will not be eligible to re-apply for an alcohol beverage license for a period of twelve (12) months from the **date of denial** of such application. The Committee within its review and recommendation process and the Common Council may waive the provisions of this paragraph, allow the applicant to submit a corrected application, with the appropriate fee, and grant an alcohol beverage license to the person, if it appears to the Common Council that any falsifications on the application were the result of inadvertence, excusable neglect or mistake.

**Guideline 8.** In the event that any person's alcohol beverage license is denied, non-renewed, suspended or revoked based upon the person's conviction record, the person shall be allowed the opportunity to show evidence of rehabilitation and fitness to engage in the licensed activity. If the person shows competent evidence of sufficient rehabilitation and fitness to perform the licensed activity, the Committee may not refuse to license the person or bar or terminate the person from licensing based on that conviction record unless the conviction is for an exempt offense under Wis. Stat. § 111.335(4). Competent evidence of sufficient rehabilitation and fitness to perform the licensed activity may be established by the production of any of the following:

- (a) The person's most recent certified copy of a federal department of defense form DD-214 showing the person's honorable discharge, or separation under honorable conditions, from the U.S. armed forces for military service rendered following conviction for any offense that would otherwise disqualify the person from the license sought, except that the discharge form is not competent evidence of sufficient rehabilitation and fitness to perform the licensed activity if the person was convicted of any misdemeanor or felony subsequent to the date of the honorable discharge or separation from military service.
- (b) A copy of the local, state, or federal release document; and either a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or other evidence that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime along with evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.
- (c) In addition to the above documentary evidence, the Committee will consider any of the following evidence presented by the individual:
  - i. Evidence of the nature and seriousness of any offense of which he or she was convicted.
  - ii. Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense.
  - iii. The age of the person at the time the offense was committed.
  - iv. The length of time that has elapsed since the offense was committed.
  - v. Letters of reference by individuals who have been in contact with the person since the person's release from any local, state, or federal correctional institution.
  - vi. All other relevant evidence of rehabilitation and present fitness presented.

**Severability.** If any section, subsection, sentence or phrase of this Policy is for any reason held to be invalid or unconstitutional by reason of a decision of any court of competent jurisdiction, such

decision shall not affect the validity of any other section, subsection, sentence, clause or phrase.

**Conflict.** Any impermissible conflict between Wis. Stat. Ch. 125, Ch. 7 of the De Pere Municipal Code and this policy shall be decided on the order of precedence which shall be the order listed in this sentence.

This policy will go into effect on the 3rd day of March, 2020.



City of De Pere, Wisconsin

**Request For License Committee Action**

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**MEETING DATE:** November 7, 2023

**DEPARTMENT:** City Clerk

**FROM:** Carey Danen

**SUBJECT:** Future agenda items.

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