

**LICENSE REVIEW COMMITTEE
TUESDAY – OCTOBER 11, 2016
MONONA CITY HALL
LARGE CONFERENCE ROOM
4:00 P.M.**

1. Call To Order
2. Roll Call
3. Approval of Minutes of September 13, 2016
4. Appearances
5. Unfinished Business
6. New Business
 - A. Consideration Of 2016/2017 Class "A" Fermented Malt Beverage License Application For La Rosita Mexican Store LLC, d/b/a La Rosita Latina, 6005 Monona Drive, Monona, Wisconsin, 53716.
 - B. Consideration Of Amendment Of Operator License Application.
 - C. Discussion Of Rescheduling The November License Review Committee Meeting.
7. Adjournment

NOTE: Upon reasonable notice, the City of Monona will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact Joan Andrusz at (608) 222-2525 (not a TDD telephone number), FAX: (608) 222-9225, or through the City Police Department TDD telephone number 441-0399.

The public is notified that any final action taken at a previous meeting may be reconsidered pursuant to the City of Monona ordinances. A suspension of the rules may allow for final action to be taken on an item of New Business.

It is possible that members of and a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information or speak about a subject, over which they have decision-making responsibility. Any governmental body at the above stated meeting will take no action other than the governmental body specifically referred to above in this notice. JA

LICENSE REVIEW COMMITTEE MINUTES
September 13, 2016

The regular meeting of the License Review Committee for the City of Monona was called to order by Acting Chair Klinzing at 4:03 p.m.

Present: Acting Chair John Klinzing, Jim Pflasterer, Wayne Kimmell, and Robert Procter

Excused: Chairman Doug Wood

Also Present: Detective Sergeant Ryan Losby, Police Chief Walter Ostrenga, Noodles & Company General Manager Scott Finholt, and City Clerk Joan Andrusz

ROLL CALL; APPROVAL OF MINUTES

A motion by Mr. Pflasterer, seconded by Mr. Kimmell to approve the minutes of the August 30, 2016 License Review Committee meeting, was carried.

APPEARANCES

There were no Appearances.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Detective Sergeant Losby began Discussion Of Alcohol Compliance Check Of Noodles & Company with review of the Department's alcohol compliance check process. One Noodles & Company staff member was cited for underage service. Mr. Finholt stated he was not on the premises when this happened. A shift manager just started her shift and served a patron without checking ID. He reprimanded her. This has never happened when he is working. Staff goes through the business's "work book" that each new staff person reads and signs. Acting Chair Klinzing explained the Committee's work and concerns. Mr. Finholt stated all shift managers are licensed and trained that anyone under 40 years old should have an ID checked. Staff pays their own fines, which also serves as a deterrent. Discussion followed.

City Clerk Andrusz began Discussion Of Parameters For Denial Of Operator Licenses. A document listing what the Committee would consider grounds for review was received from the Clerk of the Village of Cambria. She wanted the Committee to consider whether this is something they would like distributed to new Committee members and/or have it incorporated into the Operator license application so applicants would understand the types of offenses that would cause a Committee review. It would be modified as the Committee suggested.

Mr. Klinzing reviewed the history of approvals and noted very few are ever denied. Police Chief Ostrenga noted the parameters have never been written down before. Detective Sergeant Losby stated a first offense OWI shouldn't even be brought before the Committee as nobody does or should get denied for this. Mr. Klinzing stated they should be brought in to make sure the message about responsibility is heard. Police Chief Ostrenga agreed this message is important and first offenders should be reviewed. Mr. Klinzing stated first offenders are usually young, while those with subsequent offenses are older. Mr.

Proctor stated that it is easier to deny a person who is strictly a bartender. Older applicants with more offenses are usually good workers, may cook or manage in addition to service, and are valued at their jobs. Mr. Klinzing stated an owner coming in with an applicant under review carries weight with the Committee. Mr. Proctor wants internal guidance, not out to the public. Because the City Council can approve a license that the Committee has denied, the Council should approve these guidelines. Mr. Klinzing stated the Council relies on the Committee's recommendations. Mr. Proctor questioned whether the offenses are too specific, and whether this is a policy or a law. Mr. Pflasterer suggests a catch-all phrase like, "This not an exclusive listing", to leave open other considerations.

Members discussed and suggested list modifications. Detective Sergeant Losby noted that an underage person who steals alcohol gets two convictions: one for underage alcohol possession or consumption and one for theft. In a normal theft Police don't know what was stolen. Police Chief Ostrenga stated a juvenile felony gets Committee review but only if it's drug or alcohol related.

Mr. Pflasterer stated there is merit to having guidance and it is good government to inform the public of the guidelines that are used. Detective Sergeant Losby and Police Ostrenga agree this list is very helpful to have. Mr. Proctor is in favor of this clear explanation that helps the City Clerk and Police. It should be reviewed by the City Attorney and possibly the City Council. City Clerk Andrusz will provide a draft document for the next meeting.

ADJOURNMENT

A motion by Mr. Kimmell, seconded by Mr. Proctor to adjourn, was carried. (4:46 p.m.)

Joan Andrusz
City Clerk

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning October 18 20 16
ending June 30 20 17

TO THE GOVERNING BODY of the: Town of } Monona
 Village of }
 City of }
County of Dane Aldermanic Dist. No. — (if required by ordinance)

Applicant's WI Seller's Permit No.: FEIN Number: <u>456-1029285610-02 32-0505234</u>	
LICENSE REQUESTED ▶	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$
<input 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	\$ <u>15.00</u>
TOTAL FEE	\$ <u>15.00</u>

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): La Rosita Mexican store LLC

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 name, title, and place of residence of each person:

Title	Name	Home Address	Post Office & Zip Code
President/Member <u>owner</u>	<u>Juan Perez Rivera</u>	<u>2601 Post Rd. Fitchburg WI</u>	<u>53713</u>
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent ▶			
Directors/Managers <u>Latina</u>			

3. Trade Name ▶ La Rosita Mexican store LLC Business Phone Number (608) 221-2203
4. Address of Premises ▶ 6005 Monona Dr. Monona WI Post Office & Zip Code ▶ 53716

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) Corporate/limited liability company applicants only: Insert state WI and date _____ of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? 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? Yes No
- (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. 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.) Beer will be in cooler in the back of the store & storage room

10. Legal description (omit if street address is given above): _____
11. (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? Karina Garcia
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. Yes No
14. 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers 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.

SUBSCRIBED AND SWORN TO BEFORE ME
this 16 day of October, 2016
[Signature]
(Clerk/Notary Public)
My commission expires Exp. Age. 20.2020
[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)
[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)
[Signature]
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK			
Date received and filed with municipal clerk	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 MONONA - OPERATOR LICENSE APPLICATION

Pursuant to Wisconsin Statutes Section 125.17, subject to limitations imposed by as 125.17 and 125.68(2)

FEES ARE NON-REFUNDABLE

() Operator's - Regular - \$40.00

() Operator's - Provisional - \$15.00

() Operator's - Two Year - \$65.00

() Operator's - Temporary - \$10.00

_____ New License _____ Renewal License

This license expires on June 30, 20_____

Full Legal Name of Applicant:	Sex: Male / Female
Street Address:	
City:	State: Zip Code:
Date of Birth:	Telephone Number:
Drivers License Number and State:	

How long have you continuously resided in Wisconsin? _____

Place of employment as an Operator: _____ Telephone: _____

Have you registered for the Alcohol Awareness Program? (Circle One) Yes / No Date of Class: _____

Have you completed the Alcohol Awareness Program? (Circle One) Yes / No Date Completed: _____

Have you ever been convicted of a misdemeanor or felony in the past 5 years? (Circle One) Yes / No

If yes, please explain: _____

Are there any pending criminal charges against you? (Circle One) Yes / No

If yes, please explain: _____

Are there any pending drug/alcohol related offenses against you? (Circle One) Yes / No

If yes, please explain: _____

Have you been convicted of drug/alcohol related offenses in the last 5 years? (Circle One) Yes / No

If yes, please explain: _____

ANY FALSE OR MISSING INFORMATION ON THIS APPLICATION WILL RESULT IN DENIAL OF YOUR OPERATOR'S LICENSE. I, the undersigned, affirm that I made complete and true answers to each question, and understand my past record will become a part of this application. I understand that I am subject to a driver's license check, a local police records check, and a criminal history background check by the City of Monona Police Department.

Subscribed and sworn before me
this _____ day of _____, 20_____

With my signature I affirm the statement above and that
I have read the instructions provided on the reverse and
understand the disclosure requirements:

Notary Public

My Commission expires: _____ Signature of Applicant: _____

Police Department Review: Recommend Approval _____ Recommend Denial _____ Review _____

Reason for denial, if not recommended: _____

Signature of Police Chief: _____ Date: _____

LRC Approval (if required) Date: _____ City Council Approval Date: _____

License No. Issued: Provisional # _____ Operator # _____ Date Issued: Provisional _____ Operator _____

IMPORTANT:

**READ and SIGN this notice before completing your application!
Incomplete and incorrect applications will be rejected.**

PARAMETERS FOR REVIEW OF OPERATOR (BARTENDER) LICENSE

Arrests and convictions, including pending matters, of any part of Chapter 125 State Statutes or of offenses substantially related to the alcohol beverage licensing activity within the last five (5) years are considered for review. The following is NOT an exclusive list.

1. Lying, giving false or incomplete information, or misinformation on the Application.
2. Underage consumption/possession of alcohol or controlled substance.
3. Furnishing or sale of alcohol to minors.
4. Any substance abuse conviction.
5. Driving under the influence of any alcohol or controlled substance.
6. Allowing a person to use Operator's license.
7. Selling to an intoxicated person.
8. Selling after hours.
9. Selling without a license.
10. Giving away intoxicating liquor to evade provisions of law.
11. Habitual law offender (multiple convictions or pending charges).
12. A felony conviction which substantially relates to the alcohol beverage licensing activity until the applicant has been duly pardoned.
13. Convictions with supervision agreements shall be considered a conviction until the applicant has satisfactorily completed supervision and is released by the respective court.

- ❖ Your application **MUST** be legible and filled out completely, including **middle initial and driver's license number**.
- ❖ Your application **WILL** be investigated by the Monona Police Department.

**For both misdemeanor and felony offenses,
regardless of your age:**

- ❖ You **MUST** disclose **ALL** criminal, drug, and alcohol-related convictions within the past 5 years.
- ❖ You must **ALSO** disclose all **PENDING** criminal, drug, and alcohol-related charges.
 - If you are in doubt about the nature of the charge or the timing, you should disclose the incident.
 - Your license will be denied if you fail to disclose **ALL** convictions within the past 5 years **OR** any pending charges for criminal, drug, or alcohol-related offenses.

I have read and understand these instructions and disclosure requirements:

Signature