

MINUTES
COMMITTEE ON LAW & LICENSING

May 25, 2010 - 5:00 p.m.
Municipal Courtroom, Sheboygan Police Department

Members Present: Chairperson Ald. Eric Rindfleisch, Vice Chairperson Ald. Jodi VanderWeele, Ald. Julie Kath, Ald. William Wangemann

Absent: Ald. Tom Bowers

Others in Attendance: Assistant City Attorney Charles Adams, Lt. Scott Mittelstadt, Sgt. Douglas Teunissen, Officer Nathan Hatch, Attorney Joseph Voelkner, Licensing Clerk Cinda Langhoff, Taylor Thompson, William Murphy, Anthony Krueger, Jesse Krueger, Rose Krueger

Chairperson Rindfleisch called the meeting to order at 5:00 p.m.

The Pledge of Allegiance was recited.

Introduction of committee members, staff and guests.

A motion to approve the minutes of the previous meeting held May 11, 2010 was made by Ald. Wangemann and seconded by Ald. VanderWeele. **All ayes; motion approved.**

R.C. No. 34-10-11 (4-38) - Taxicab Op. Lic. App. No. 8546 (Dorris M. Frei)

Dorris Frei again failed to appear before the committee. Ald. Wangemann moved, seconded by Ald. Kath, to deny the license application based upon Ms. Frei's failure to cooperate with the committee. **All ayes; motion approved.**

R.O. No. 516-09-10 (26-67) – Various License Applications: Bev. Op. Lic. App. No. 8563 (Taylor T. Thompson)

Submitting various license applications for the period ending June 30, 2010 and June 30, 2011.

Taylor T. Thompson appeared before the committee to discuss his application. After discussion of his record and his failure to include violations on his application, Ald. VanderWeele moved, seconded by Ald. Kath, to grant the license with a warning to include all relevant information on future applications. **All ayes; motion approved.**

R.O. No. 10-10-11 (3-51) – Various License Applications: Bev. Op. Lic. App. No. 8566 (William R. Murphy) and Taxicab Op. Lic. App. No. 8562 (Lisa B. Edmark)

Submitting various license applications for the period ending June 30, 2011 and June 30, 2012.

William R. Murphy appeared before the committee to discuss his application. After discussion of his record and his failure to include violations on his application, Ald. VanderWeele moved, seconded by Ald. Kath, to grant the license with a warning to include all relevant information on future applications. **Two ayes (Ald. VanderWeele and Ald. Kath) and two nays; motion failed.** Ald. Wangemann moved, seconded by Ald. Rindfleisch, to deny the license application based upon Mr. Murphy's failure to include all relevant convictions on his beverage operator's license application, his record of violations related to the licensed activity, and his record as a habitual law violator. **Three ayes and one nay (Ald. VanderWeele); motion approved.**

Lisa Edmark failed to appear before the committee. Ald. VanderWeele moved, seconded by Ald. Kath, to request via certified mailing Ms. Edmark's appearance before the committee at its June 15th meeting. **All ayes; motion approved.**

R.O. No. 39-10-11 (4-53) – Various License Applications

Submitting various license applications for the period ending June 30, 2011 and June 30, 2012.

Ald. Wangemann moved to call in Bev. Op. Lic. App. Nos. 6387 (Hiebing), 7938 (Lester), 8028 (Ziegelbauer), 6742 (Razo) and 7442 (Pelayo). **Motion died for lack of a second.**

Ald. VanderWeele moved, seconded by Ald. Kath, to call in Bev. Op. Lic. App. No. 8578 (Amanda M. Hintz) to discuss her application with the committee. **All ayes; motion approved.**

Ald. VanderWeele moved, seconded by Ald. Kath, to grant license with warning letter (to include all violations on future applications) to Bev. Op. Lic. App. No. 8572 (Shana Marie Lackershire). **All ayes; motion approved.**

Ald. Kath moved, seconded by Ald. VanderWeele, to call in Bev. Op. Lic. App. No. 8573 (Jessica L. McCandless) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Kath moved, seconded by Ald. VanderWeele, to call in Bev. Op. Lic. App. No. 6096 (Michael S. Miller) to discuss his application with the committee. **All ayes; motion approved.**

Ald. VanderWeele moved, seconded by Ald. Kath, to call in Bev. Op. Lic. App. No. 8037 (Hayley E. Diedrich) to discuss her application with the committee. **Three ayes and one nay (Ald. Wangemann); motion approved.**

Ald. Kath moved, seconded by Ald. VanderWeele, to call in Bev. Op. Lic. App. No. 7311 (Nicole A. Hermann) to discuss her application with the committee. **All ayes; motion approved.**

Ald. VanderWeele moved, seconded by Ald. Kath, to call in Bev. Op. Lic. App. No. 6387 (Robert F. Hiebing) to discuss his application with the committee. **All ayes; motion approved.**

Ald. VanderWeele moved, seconded by Ald. Wangemann, to grant license with warning letter (to include all violations on future applications) to Bev. Op. Lic. App. No. 5077 (Todd D. Johnson). **All ayes; motion approved.**

Ald. Wangemann moved, seconded by Ald. VanderWeele, to call in Bev. Op. Lic. App. No. 7938 (Elsa Lester) to discuss her application with the committee. **All ayes; motion approved.**

Ald. VanderWeele moved to grant license with warning letter to Bev. Op. Lic. App. No. 5958 (Katrina I. Patterson). **Motion died for lack of a second.** Ald. Kath moved, seconded by Ald. VanderWeele, to call in Bev. Op. Lic. App. No. 5958 (Katrina I. Patterson) to discuss her application with the committee. **Three ayes and one nay (Ald. Rindfleisch); motion approved.**

Ald. Kath moved, seconded by Ald. Wangemann, to call in Bev. Op. Lic. App. No. 7442 (Blanca E. Pelayo) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Kath moved, seconded by Ald. VanderWeele, to grant license with warning letter (to include all violations on future applications) to Bev. Op. Lic. App. No. 7212 (Sarah L. Rittenhouse). **All ayes; motion approved.**

Ald. VanderWeele moved, seconded by Ald. Wangemann, to grant license with warning letter (to include all violations on future applications) to Bev. Op. Lic. App. No. 5235 (David A. Schleining). **All ayes; motion approved.**

Ald. VanderWeele moved, seconded by Ald. Kath, to grant license with warning letter (to include all violations on future applications) to Bev. Op. Lic. App. No. 7214 (Daniel L. Semsch). **All ayes; motion approved.**

Ald. VanderWeele moved, seconded by Ald. Kath, to call in Bev. Op. Lic. App. No. 8028 (Robert J. Ziegelbauer) to discuss his application with the committee. **All ayes; motion approved.**

Ald. VanderWeele moved, seconded by Ald. Kath, to call in Taxicab Op. Lic. App. No. 6742 (Jose A. Razo) to discuss his application with the committee. **All ayes; motion approved.**

Ald. Kath moved, seconded by Ald. VanderWeele, as follows:

- To grant the remainder of the license applications for individuals and entities listed on the above-referenced R.O.

All ayes; motion approved.

R.O. No. 40-10-11 (4-54) – Various License Applications

Submitting various license applications for the period ending June 30, 2011.

Ald. VanderWeele moved, seconded by Ald. Kath, as follows:

- To grant the license applications for all entities listed on the above-referenced R.O.

All ayes; motion approved.

Hearing to review the committee's decision not to renew Alc. Bev. Lic. No. 1808-Second Home (Anthony Krueger, Agent)

Ald. Rindfleisch called the hearing to order at 5:31 p.m. with appearances by ACA Adams on behalf of the City and Anthony Krueger appearing in person. Special Counsel Joseph Voelkner was also present to advise the committee in their function as finder of law and fact. The following witnesses were present on behalf of the City and were sworn in and questioned by ACA Adams: Sgt. Douglas Teunissen and Officer Nathan Hatch.

Anthony Krueger informed the committee that he did not wish to speak or cross-examine the City's witnesses. Mr. Krueger indicated that he would like the hearing to be rescheduled so that his attorney can be present.

MOTION TO CONVENE IN CLOSED SESSION was made by Ald. VanderWeele and seconded by Ald. Kath under the exemption provided in § 19.85(1)(a) of the Wisconsin Statutes for the purpose of deliberation concerning action to be taken regarding the alcohol beverage license of Second Home (Anthony Krueger, Agent). **All ayes; motion approved.**

MOTION TO RECONVENE IN OPEN SESSION was made by Ald. Kath and seconded by Ald. VanderWeele. **All ayes; motion approved.**

Action regarding Alc. Bev. Lic. No. 1808–Second Home (Anthony Krueger, Agent)

A motion was made by Ald. VanderWeele and seconded by Ald. Wangemann, as follows:

The Committee finds the following facts:

Anthony Krueger has violated chapter 125 or municipal regulations adopted under s. 125.10; to wit,

- a. Invoices were not available as required under Tax 8.21, Wisconsin Administrative Code and §139.11(1), Wis. Stats., as adopted in §70-1, Sheboygan Municipal Code;
- b. Bottles of liquor not purchased from a wholesaler but rather from a retailer were kept on the premises and resold, in violation of §125.69(6), Wis. Stats.; and
- c. Bottles were disposed of improperly in violation of Tax 8.43, Wisconsin Administrative Code as it interprets §125.68(8), Wis. Stats., and is adopted in §70-1, Sheboygan Municipal Code.

All ayes; motion approved.

A motion was made by Ald. VanderWeele and seconded by Ald. Kath as follows:

Based on these findings of fact, the committee recommends that the common council uphold the decision to deny renewal of the Class "B" Alcohol Beverage License No. 1808 held by Second Home, LLC (Anthony C. Krueger, Agent).

All ayes; motion approved.

Discussion and possible action regarding law violations that may require future action by the Committee

ACA Adams and Lt. Mittelstadt indicated that they had no such violations to report.

Ald. VanderWeele made a motion to adjourn. Ald. Wangemann seconded the motion. **All ayes; motion approved.**

There being no further business to come before the committee, the meeting was adjourned at 6:20 p.m.

The next committee meeting is scheduled to be held on June 15, 2010 at 5:00 p.m. in the Municipal Courtroom located at the Sheboygan Police Department, 1315 North 23rd Street.