

**MINUTES**  
**COMMITTEE ON LAW & LICENSING**

**June 25, 2013 - 2:00 p.m.**  
**Common Council Chambers, City Hall**

**Members Present:** Chairperson Ald. Jodi VanderWeele, Vice Chairperson Ald. Kevin Matichek, Ald. Susan Lessard, Ald. Scott Lewandoske, Ald. Bill Thiel

**Others in Attendance:** Assistant City Attorney Charles C. Adams, Lt. Kurt Zempel, Licensing Clerk Cinda Langhoff, Attorney Ralph Sczygelski, Wa Lee, Frederick E. Bence, Robert M. Nielson, Brooks F. Haas, Heather M. Rhoads, Lynn M. Kropuenske, Brenda K. Lorenz, Reynel Santana, Michael C. Brickey, Jr., Theresa L. Nitze, Cole A. Prinsen, Rufino C. Martinez, Jr., Amanda K. Martinez, Brent Miller, Tyler Fischer, Roxanne Munao, Stacy M. Raatz, Brandon W. Munnik, David Benton, Officer Charlet M. Endsley, Officer Timothy M. Anhalt, Officer Christopher J. Bahr, Officer Jonathan T. Smith, Lt. William S. Adams, Officer Thomas C. Aker, Officer Michael R.A. Beringer, Officer Matthew S. Braesch, Officer Anthony J. Hamilton, Officer Brandon M. Kehoe, Officer Bryan C. Knez

Chairperson VanderWeele called the meeting to order at 2:03 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 June 11, 2013 was made by Ald. Matichek and seconded by Ald. Lessard. **All ayes; motion approved.**

**Quasi-Judicial hearing to determine whether Alc. Bev. Lic. No. 2720-Rehab Bar & Grill (Rufino C. Martinez, Jr., Agent) and Bev. Op. Lic. No. 5551 (Amanda K. Martinez) shall be suspended or revoked**

ACA Adams was present on behalf of the City of Sheboygan. Rufino C. Martinez, Jr. and Amanda K. Martinez appeared in person and by Attorney Ralph Sczygelski. Special Counsel Joseph Voelkner was also present to advise the committee in their function as finder of law and fact. ACA Adams informed the committee that several different settlement proposals had been discussed by the parties. He then discussed the terms of the final agreed-upon stipulation. The licenses of both Rehab Bar & Grill and Amanda K. Martinez will be simultaneously voluntarily surrendered for 30 consecutive days commencing between 8:00 a.m. on July 1 and 5:00 p.m. on July 8, 2013. The City agrees to renew both licenses for the 2013-14 license year. Both are to remain active members of the Tavern Safety Coalition during the entire licensing year. Rehab Bar & Grill will pay the costs of both actions and shall meet monthly with the neighborhood officer for a period of one year.

**MOTION TO CONVENE IN CLOSED SESSION** was made by Ald. Matichek and seconded by Ald. Lessard under the exemption provided in §19.85(1)(a) of the Wisconsin Statutes for the purpose of deliberation concerning action to be taken regarding Alc. Bev. Lic. No. 2720-Rehab Bar & Grill

(Rufino C. Martinez, Jr., Agent) and Bev. Op. Lic. No. 5551 (Amanda K. Martinez). **All ayes; motion approved.**

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

Possible action regarding Alc. Bev. Lic. No. 2720-Rehab Bar & Grill (Rufino C. Martinez, Jr., Agent) and Bev. Op. Lic. No. 5551 (Amanda K. Martinez)

Ald. Matichek moved, seconded by Ald. Lessard, to accept the stipulation. **All ayes; motion approved.** A copy of the stipulation is on file with the City Clerk's Office.

### **Presentations by potential applicants for available "Class A" alcohol beverage licenses**

There is presently one "Class A" alcohol beverage license available. Wa Lee was again present regarding the liquor store he and his wife want to open in the TCL Foto building on North 13th Street. ACA Adams indicated that Steve Sokolowski will be recommending approval of the conditional use permit at the Plan Commission meeting later this afternoon. Ald. Lessard indicated she feels the committee should not make their decision until the Plan Commission has made its final decision.

### **Discussion and action regarding granting opportunity to apply for available "Class A" alcohol beverage licenses**

A motion was made by Ald. Lessard, seconded by Ald. Matichek, to hold the Wa Lee matter until the July 9th meeting. **All ayes; motion approved.**

### **R.O. No. 27-13-14 (5-20-13) – Various License Applications: Taxicab Op. Lic. App. Nos. 9217 (Frederick E. Bence), 9953 (Robert M. Nielson)**

Submitting various license applications for the period ending June 30, 2014 and June 30, 2015.

Frederick E. Bence appeared before the committee to discuss his application. After discussion of his record and his failure to include a violation on his application, Ald. Matichek moved, seconded by Ald. Lessard, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **All ayes; motion approved.**

Robert M. Nielson appeared before the committee to discuss his application. After discussion of his record and his failure to include violations on his application, Ald. Lessard moved, seconded by Ald. Thiel, to deny the license application based upon Mr. Nielson's failure to accurately reveal all relevant convictions on his application and his record of violations related to the licensed activity. **Four ayes and one abstention (Ald. Matichek); motion approved.**

### **R.O. No. 45-13-14 (6-3-13) – Various License Applications [taxicab operators & new bev. ops.]: Bev. Op. Lic. App. Nos. 9993 (Kathy J. Gerharz), 8216 (Brooks F. Haas), 9984 (Jessica E. Steinke); Taxicab Op. Lic. App. Nos. 6914 (Adam M. Bayer), 8913 (Heather M. Rhoads);**

**Taxicab Op. Lic. [renewal] App. Nos. 6703 (Lynn M. Kropuenske), 4193 (Brenda K. Lorenz), 5842 (Theodore T. Sanstadt), 7731 (Reynel Santana)**

Submitting various license applications for the period ending June 30, 2014 and June 30, 2015.

Kathy J. Gerharz failed to appear before the committee. Ald. Lessard moved, seconded by Ald. Matichek, to request via certified mailing Ms. Gerharz's appearance before the committee at its July 9th meeting. **All ayes; motion approved.**

Brooks F. Haas appeared before the committee to discuss his application. After discussion of his record and his failure to include a violation on his application, Ald. Matichek moved, seconded by Ald. Lessard, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **All ayes; motion approved.**

Jessica E. Steinke failed to appear before the committee. Ald. Matichek moved, seconded by Ald. Lessard, to request via certified mailing Ms. Steinke's appearance before the committee at its July 9th meeting. **All ayes; motion approved.**

Adam M. Bayer failed to appear before the committee, but the City Clerk's Office indicates that Mr. Bayer has withdrawn his application. Ald. Matichek moved, seconded by Ald. Lessard, to accept the withdrawal and file the application. **All ayes; motion approved.**

Heather M. Rhoads appeared before the committee to discuss her application. After discussion of her record and her failure to include violations on her application, Ald. Matichek moved, seconded by Ald. Lessard, to deny the license application based upon Ms. Rhoads' failure to accurately reveal all relevant convictions on her application, her record of violations related to the licensed activity, and a negative recommendation from the Sheboygan Police Department. **Four ayes and one nay (Ald. VanderWeele); motion approved.**

Lynn M. Kropuenske appeared before the committee to discuss her renewal application. After a hearing involving a discussion of her record and her failure to include a violation on her application, Ald. Matichek moved, seconded by Ald. Lessard, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **All ayes; motion approved.**

Brenda K. Lorenz appeared before the committee to discuss her renewal application. After a hearing involving a discussion of her record, Ald. Matichek moved, seconded by Ald. Thiel, to grant the license. **All ayes; motion approved.**

Theodore T. Sanstadt failed to appear before the committee, but the City Clerk's Office indicates that Mr. Sanstadt has verbally withdrawn his renewal application. Ald. Matichek moved, seconded by Ald. Lessard, to accept the withdrawal and file the application. **All ayes; motion approved.**

Reynel Santana appeared before the committee to discuss his renewal application. After a hearing involving a discussion of his record, Ald. Lessard moved, seconded by Ald. Matichek, to grant the license. **All ayes; motion approved.**

**R.O. No. 46-13-14 (6-3-13) – Various License Applications [bev. op. renewals]: Bev. Op. Lic. App. Nos. 7012 (Alex D. Alvarez), 9485 (Michael C. Brickey Jr.), 7853 (Theresa L. Nitze), 9517 (Cole A. Prinsen), 4518 (Stacey A. Stoltzman)**

Submitting various license applications for the period ending June 30, 2014 and June 30, 2015.

Alex D. Alvarez failed to appear before the committee. Ald. Matichek moved, seconded by Ald. Lessard, to request via certified mailing Mr. Alvarez's appearance before the committee at its July 9th meeting. **All ayes; motion approved.**

Michael C. Brickey, Jr. appeared before the committee to discuss his renewal application. After a hearing involving a discussion of his record, Ald. Matichek moved, seconded by Ald. Lessard, to grant the license. **All ayes; motion approved.**

Theresa L. Nitze appeared before the committee to discuss her renewal application. After a hearing involving a discussion of her record, Ald. Lessard moved, seconded by Ald. Thiel, to grant the license. **Four ayes and one nay (Ald. Matichek); motion approved.**

Cole A. Prinsen appeared before the committee to discuss his renewal application. After a hearing involving a discussion of his record and his failure to include a violation on his application, Ald. Lessard moved, seconded by Ald. Matichek, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **All ayes; motion approved.**

Stacey A. Stoltzman failed to appear before the committee. Ald. Matichek moved, seconded by Ald. Lessard, to request via certified mailing Ms. Stoltzman's appearance before the committee at its July 9th meeting. **All ayes; motion approved.**

**Update regarding voluntary surrender of Taxicab Op. Lic. No. 8177 (David J. McKenzie)**

ACA Adams informed the committee that a quasi-judicial hearing will be scheduled because David J. McKenzie has not voluntarily surrendered his license as requested by the committee.

**Update regarding voluntary surrender of Bev. Op. Lic. No. 9694 (John D. Schneider)**

ACA Adams informed the committee that a quasi-judicial hearing will be scheduled because John D. Schneider has not voluntarily surrendered his license as requested by the committee.

**R.O. No. 52-13-14 (6-17-13) – Various License Applications**

Submitting various license applications for the period ending June 30, 2014 and June 30, 2015.

Ald. Lessard moved, seconded by Ald. Matichek, to deny the change of premise application of Alc. Bev. Lic. No. 2805 (Blue Harbor I) due to the fact that the application includes non-contiguous areas. **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to grant a license to "Class B" Liquor Lic. App. No. 1912 (Brisco County Wood Grill). **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to call in Bev. Op. Lic. App. No. 0009 (Tabitha L. Jarrett) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Matichek moved, seconded by Ald. Lessard, to call in Bev. Op. Lic. App. No. 9995 (Joseph R. Kovacich) to discuss his application with the committee. **Four ayes and one nay (Ald. VanderWeele); motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. App. No. 0004 (Ruby M. McRae). **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. App. No. 1055 (Robert J. Scheibl). **All ayes; motion approved.**

Ald. Matichek moved, seconded by Ald. Lessard, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. [renewal] App. No. 7782 (Benjamin F. Heyman). **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to call in Taxicab Op. Lic. [renewal] App. No. 9812 (Vincent E. Kropuenske) to discuss his application with the committee. **All ayes; motion approved.**

Ald. Matichek moved, seconded by Ald. Lessard, to grant the remainder of the license applications for individuals and entities listed on the above-referenced R.O. **All ayes; motion approved.**

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

ACA Adams informed the committee of an issue involving the SH Tobacco store on South Business Drive. The owner has been charged with selling with three counts of distributing tobacco products without a permit and three counts of evasion of tobacco tax. Ald. Lessard moved, seconded by Ald. Matichek, to instruct the clerk's office to grant a license to SH Tobacco.

Lt. Zempel informed the committee that there have been some issues at Dave's Who's Inn recently and further information will be presented to the committee at a later date.

Ald. Lessard made a motion to adjourn. Ald. Matichek seconded the motion. **All ayes; motion approved.**

There being no further business to come before the committee, the meeting was adjourned at 4:02 p.m.

The next committee meeting is scheduled to be held on July 9, 2013 at 2:00 p.m. in the Common Council Chambers located at City Hall, 828 Center Avenue.