

MINUTES
COMMITTEE ON LAW & LICENSING

April 29, 2014 - 2:00 p.m.
Common Council Chambers, City Hall

Members Present: Chairperson Ald. Jodi VanderWeele, Vice Chairperson Ald. Bill Thiel, Ald. Joe Heidemann, Ald. Susan Lessard

Excused: Ald. Kevin Matichek

Others in Attendance: Assistant City Attorney Charles C. Adams, Chief Christopher Domagalski, Lt. Douglas Teunissen, Officer Jason Pacey, Ald. Mark Hermann, Ald. Julie Kath, Chief Administrative Officer James Amodeo, Mayor Michael Vandersteen, Licensing Clerk Cinda Langhoff, Jennifer L. Paton, Aaron M. Rider, Tamara C. Thompson, Samuel Sawall, Matthew Shirk, Jill Buteyn

Chairperson VanderWeele called the meeting to order at 2:01 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 April 8, 2014 was made by Ald. Lessard and seconded by Ald. Thiel. **All ayes; motion approved.**

Presentations to the Committee by City Attorney's Office and City Clerk's Office

ACA Adams discussed the various types of licenses the committee will be dealing with, and also other issues the committee will handle, including ordinance changes, quasi-judicial hearings on the suspension/revocation of licenses, and matters referred to the City's ethics board.

Licensing Clerk Cinda Langhoff discussed the licensing process in the City of Sheboygan and discussed the various licenses handled by the City Clerk's office.

Adoption of the policies and procedures of the Law & Licensing Committee

Copies of the following policies/procedures of the committee were distributed and discussed briefly:

- Guidelines To Be Used For Granting & Denial of Liquor Licenses
- Policy Statement on Issuance of Original "Class A" Intoxicating Liquor Licenses
- Information regarding license suspension/revocation hearings

A motion to adopt the policies and guidelines of the Law & Licensing Committee was made by Ald. Lessard and seconded by Ald. Thiel. **All ayes; motion approved.**

R.C. No. 370-13-14 (4-14-14) [see also R.O. No. 313-13-14 (3-17-14)] – Various License Applications: Bev. Op. Lic. App. No. 0322 (Jennifer L. Paton); Taxicab Op. Lic. App. Nos. 8429 (Panfilo Escobar), 0328 (Peter J. Van Dixhorn)

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

Jennifer L. Paton appeared before the committee to discuss her application. After discussion of her record and her failure to include a violation on her application, Ald. Thiel moved, seconded by Ald. Heidemann, 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.**

Panfilo Escobar failed to appear before the committee. Ald. Lessard moved, seconded by Ald. Thiel, to deny the license application based upon Mr. Escobar's failure to accurately reveal all relevant convictions on his taxicab operator's license application, his record of violations related to the licensed activity, and his failure to cooperate with the committee. **All ayes; motion approved.**

Peter J. Van Dixhorn failed to appear before the committee. Ald. Thiel moved, seconded by Ald. Heidemann, to deny the license application based upon Mr. Van Dixhorn's failure to accurately reveal all relevant convictions on his taxicab operator's license application, his record of violations related to the licensed activity, and his failure to cooperate with the committee. **All ayes; motion approved.**

R.C. No. 373-13-14 (4-14-14) [see also R.O. No. 333-13-14 (4-2-14)] – Various License Applications: Bev. Op. Lic. App. Nos. 0339 (Jennifer M. Freeland), 0338 (Jessica J. Gutierrez), 5584 (Aaron M. Rider), 8118 (Samuel Sawall), 0305 (Tamara C. Thompson); Taxicab Op. Lic. App No. 0337 (Lilibeth Velez)

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

Jennifer M. Freeland failed to appear before the committee. Ald. Thiel moved, seconded by Ald. Lessard, to request via certified mailing Ms. Freeland's appearance before the committee at its May 13th meeting. **All ayes; motion approved.**

Jessica J. Gutierrez failed to appear before the committee. Ald. Lessard moved, seconded by Ald. Thiel, to request via certified mailing Ms. Gutierrez's appearance before the committee at its May 13th meeting. **All ayes; motion approved.**

Aaron M. Rider appeared before the committee to discuss his application. After discussion of his record, Ald. Thiel moved, seconded by Ald. Lessard, to grant the license with instructions to correct the application. **All ayes; motion approved.**

Samuel Sawall 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. Heidemann, to deny the license application based upon Mr. Sawall's failure to accurately reveal all relevant convictions on his beverage operator's license application and his record of violations related to the licensed activity. **All ayes; motion approved.**

Tamara C. Thompson appeared before the committee to discuss her application. Ms. Thompson presented to the committee a letter from the General Manager of Highland House and Ald. VanderWeele read the letter to the committee. After discussion of her record and her failure to include violations on her application, Ald. Heidemann moved, seconded by Ald. Lessard, to deny the license application based upon Ms. Thompson's failure to accurately reveal all relevant convictions on her application and her record of violations related to the licensed activity. **All ayes; motion approved.**

Lilibeth Velez failed to appear before the committee. Ald. Lessard moved, seconded by Ald. Thiel, to request via certified mailing Ms. Velez's appearance before the committee at its May 13th meeting. **All ayes; motion approved.**

Hearing on the appeal of Jill Buteyn finding her dog to be a dangerous animal, pursuant to Sec. 18-47(i)(2), Sheboygan Municipal Code

Ald. VanderWeele called the hearing to order at 2:46 p.m. with appearances by ACA Adams to advise the committee in their function as finder of law and fact, Police Chief Christopher Domagalski on behalf of the Sheboygan Police Department, and Jill Buteyn appearing in person.

Chief Domagalski presented his case and provided the committee with details regarding the incidents involving the two dogs named Attica and Zuri and his initial determination that both dogs are dangerous animals. Ms. Buteyn presented her case and informed the committee that she was appealing the determination because she does not believe that either dog is dangerous. Jill Buteyn was sworn in and presented two videos on her camera to Ald. VanderWeele showing each dog walking separately. (Attica is the white and brown dog. Zuri is the pure brown/tan dog.) She stated that she had recently purchased muzzles for both dogs. Ms. Buteyn was asked questions by Chief Domagalski and the committee and she then rested her case. She indicated to ACA Adams that she would provide copies of the two videos to the City Attorney's Office on a CD within 24 hours.

The following witnesses were present on behalf of the Sheboygan Police Department and were sworn in and questioned by Chief Domagalski: Matthew Shirk and Officer Jason Pacey. Documents and photos were marked as Exhibits 1-10 and offered as evidence. Copies were provided to Ms. Buteyn. Ms. Buteyn also questioned Officer Pacey.

Closing statements were made by Jill Buteyn and Chief Domagalski. The hearing concluded at 3:30 p.m.

MOTION TO CONVENE IN CLOSED SESSION was made by Ald. Lessard and seconded by Ald. Thiel 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 appeal of Jill Buteyn. **All ayes; motion carried.**

The committee took a four minute recess at 3:32 p.m.

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

Possible action regarding appeal of Jill Buteyn

Ald. Lessard moved, seconded by Ald. Thiel, to uphold Chief Domagalski's determination that Attica is deemed dangerous. **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Heidemann, to uphold Chief Domagalski's determination that Zuri is deemed dangerous. **All ayes; motion approved.**

Update regarding Alc. Bev. Lic. No. 2988-Thai Lotus I (Bounlelung Vatsana, Owner)

ACA Adams informed the committee that Thai Lotus had voluntarily surrendered their license for ten days as requested by the committee (April 15 through April 25).

Update regarding Alc. Bev. Lic. No. 1525-Fountain Park Lounge/Caffe Tuscany

Lt. Teunissen informed the committee that Jetmir Ameti is the owner of both Fountain Park Lounge and Caffe Tuscany and, therefore, one license is sufficient.

R.O. No. 347-13-14 (4-14-14) – Various License Applications

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

Ald. Lessard moved, seconded by Ald. Thiel, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. App. No. 0354 (Kira B. Merrill). **All ayes; motion approved.**

Ald. Thiel moved, seconded by Ald. Heidemann, to call in Bev. Op. Lic. App. No. 0355 (Kevana O. Ruffin) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Heidemann moved, seconded by Ald. Lessard, to call in Bev. Op. Lic. App. No. 9687 (Roxella Cassandra Trevino) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Thiel, to call in Taxicab Op. Lic. App. No. 0311 (Daniel J. Donath) to discuss his application with the committee. **All ayes; motion approved.**

Ald. Thiel moved, seconded by Ald. Lessard, to call in Taxicab Op. Lic. App. No. 0341 (Calvin James Kau) to discuss his application with the committee. **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Thiel, to grant a license with a warning, contingent upon the application being corrected, to Taxicab Op. Lic. App. No. 0343 (Michael D. Olsen). **All ayes; motion approved.**

Ald. Thiel moved, seconded by Ald. Lessard, to grant a license with a warning, contingent upon the application being corrected, to Taxicab Op. Lic. App. No. 0346 (Jacob Anthony Tolzman). **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Thiel, 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

Lt. Teunissen indicated that a recent disturbance at Dave's Who's Inn is still under investigation and will be discussed further at the next meeting of the committee.

After hearing a brief report from ACA Adams regarding citations issued to Lynn Kropuenske as the result of an accident involving an Independent Cab she was driving on February 12, 2014, Ald. Lessard made a motion, seconded by Ald. Thiel, to call in Taxicab Op. Lic. No. 6703 (Lynn M. Kropuenske) and Taxicab Business Lic. No. 2912-Independent Cab (Robert D. Phippen, Owner) to discuss the matter with the committee. **All ayes; motion approved.**

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

There being no further business to come before the committee, the meeting was adjourned at 4:00 p.m.

The next committee meeting is scheduled to be held on May 13, 2014 at 2:00 p.m. in the Common Council Chambers located at City Hall, 828 Center Avenue.