

CITY OF WHITEWATER ALCOHOL LICENSING COMMITTEE MEETING

Tuesday, August 7, 2012

5:45 p.m.

City of Whitewater Municipal Building

312 W. Whitewater Street, Whitewater, WI 53190

(2012-13 Alcohol Licensing Committee Members: Singer, Abbott, Olsen).

CALL TO ORDER, ROLL CALL

ELECTION OF CHAIR AND VICE CHAIR

HEARING OF APPEAL OF DENIAL OF BEVERAGE OPERATOR'S LICENSE:

*Benjamin Walsh

HEARING OF REQUEST FOR ALCOHOL LICENSES:

*Jessica's Restaurant – Request for Class B Beer and Liquor License (license transferred from Sugar Bay)

ADJOURNMENT

NOTICE OF HEARING

TO:

Benjamin Walsh

W7894 Timber Trail

Whitewater, WI 53190

PLEASE TAKE NOTICE that the City of Whitewater Alcohol Licensing Review Committee will be conducting a hearing on the 7th day of August, 2012 at 5:45 p.m. in the Community Room of the Whitewater Municipal Building, 312 W. Whitewater St., Whitewater, to hear an appeal of the denial of a Beverage Operator's License for Benjamin Walsh.

THIS IS AN OPEN MEETING, and the public is welcome to make comments either for or against the license application.

Dated this 31st day of July, 2012.

Michele R. Smith, City Clerk

312 W. Whitewater St., Whitewater, WI 53190

(262) 473-0500, Extension 202

msmith@whitewater-wi.gov

M E M O R A N D U M

TO: City Clerk Michele Smith
City of Whitewater Common Council Members

FROM: Lisa K. Otterbacher, Chief of Police

SUBJECT: Disapproval of Bartender License Application for **Benjamin D Walsh**

DATE: June 19, 2012

On June 15, 2012, Benjamin D Walsh, W2894 Timber Trail, Whitewater, WI 53190, applied for a bartender license to work, without supervision, at Lakefront Pub, 111 West Whitewater Street. At that time the usual background investigation was conducted.

Effective June 19, 2012, the following information is being supplied on an official basis concerning the bartender license application of Benjamin D Walsh. Pertinent records of the local and state agencies have been searched as of this date with the following results: (Only that information which would bear upon this application is recorded. Traffic violations are excluded.)

WHITEWATER POLICE DEPARTMENT

10/28/11 Disorderly Conduct - Objectionable Conduct (alcohol related) - Guilty, Fined

10/26/07 Underage Alcohol Consumption - Guilty, Fined

07/08/03 Too Fast for Conditions - Guilty, Fined

WALWORTH COUNTY SHERIFF'S OFFICE

12/22/11 Failure to Keep Vehicle Under Control - Guilty, Fined

12/22/11 Failure to Notify Police of Accident - Guilty, Fined

An operator at an alcohol establishment has an obligation to reasonably deal with various rules and regulations regarding alcohol. These arrests show that Benjamin D Walsh has displayed an inability to abide by these laws. We therefore do not believe that he/she has the appropriate ability to handle the responsibility that the license requires.

Qualifications for license in accordance with Wisconsin State Statute 125.04(5)(a) as affected by Chapter 79 and 391, Laws of '81 effective 1/1/82 which states in part: "Natural persons. Licenses and permits related to alcohol beverages, issued to natural persons under this chapter, may be issued only to persons who: 1. Do not have an arrest or conviction record, subject to s. 111.321, 111.322, and 111.335: . . ." Statute 111.335---Arrest or conviction record: Exceptions and special cases---reads in part: "(c) Notwithstanding s. 111.322 it is not employment discrimination because of conviction record to refuse to employ or license, or to bar or terminate from employment or licensing any individual who: 1. Has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity; ..."

Based on the above information, I recommend that this applicant be denied his/her bartender license application. The offenses he/she has been arrested for DO substantially relate to the circumstances of the particular job or licensed activity as required under Chapter 125.

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NOTICE OF HEARING

TO: LIPIS, INC.

Jessica's Restaurant – Ilmi Shabani

140 W. Main St., Whitewater, WI 53190

PLEASE TAKE NOTICE that the City of Whitewater Alcohol Licensing Review Committee will be conducting a hearing on the 7th day of August, 2012 at 5:45 p.m. in the Community Room of the Whitewater Municipal Building, 312 W. Whitewater St., Whitewater, to hear a request to an upgrade of a Class B Beer License and a Class C Wine License to a Class B Beer and Liquor License for Lipis, Inc. d/b/a Jessica's Restaurant, Ilmi Shabani, President, 140 W. Main Street, Whitewater, WI 53190.

THIS IS AN OPEN MEETING, and the public is welcome to make comments either for or against the license application.

Dated this 31st day of July, 2012.

Michele R. Smith, City Clerk

312 W. Whitewater St., Whitewater, WI 53190

(262) 473-0500, Extension 202

msmith@whitewater-wi.gov