

**CITY OF WHITEWATER ALCOHOL LICENSING COMMITTEE MEETING**  
**Tuesday, May 6, 2014, 2014 – 6:10 p.m.**  
**City of Whitewater Municipal Building Community Room**  
**312 W. Whitewater St., Whitewater, Wisconsin**  
**(2014-15 Alcohol Licensing Committee Members: Singer, Abbott, Bregant)**

- I. CALL TO ORDER
- II. ROLL CALL
- III. ELECTION OF CHAIR AND VICE CHAIR
- IV. HEARING OF :
- V. Sean Mainland request for appeal of the denial of his beverage operator's license.
- VI. RECOMMENDATION(S) TO CITY COUNCIL
- VII. ADJOURNMENT

Please contact the City Clerk's Office (473-0500, Extension 202) at least 72 hours prior to the Hearing if Special Arrangements are needed.

# MEMORANDUM

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

FROM: Lisa K. Otterbacher, Chief of Police

SUBJECT: Disapproval of Beverage Operator's License Application for Sean Donald Mainland

DATE: December 30, 2013

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On December 18, 2013, Sean Donald Mainland, 256 N Prince St #3, Whitewater, applied for a beverage operator's license to work, without supervision, at College Pub, 202 W Whitewater St, Whitewater. At that time the usual background investigation was conducted.

Effective December 30, 2013, the following information is being supplied on an official basis concerning the beverage operator's license application of Sean Donald Mainland. 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**

**01/01/13 Public Intoxication – Guilty Fined**  
**10/20/11 Furnish Alcohol to Underage Person – Guilty Fined**  
**10/20/11 Furnish Alcohol to Underage Person – Guilty Fined**  
**10/20/11 Furnish Alcohol to Underage Person – Guilty Fined**  
**10/20/11 Furnish Alcohol to Underage Person – Dismissed**  
**10/20/11 Furnish Alcohol to Underage Person – Dismissed**  
**10/20/11 Furnish Alcohol to Underage Person – Dismissed**

An operator at an alcohol establishment has an obligation to reasonably deal with various rules and regulations regarding alcohol. These arrests show that Sean Donald Mainland 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 beverage operator's license application. These 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.

LKO/cas