

**ALCOHOL LICENSING COMMITTEE AGENDA
CITY OF FOND DU LAC, WISCONSIN**

January 26, 2015
4:00 p.m.

Meeting Rooms D & E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

I. OPENING CEREMONIES

- A. Attendance
- B. Declaration Quorum Present

II. APPROVAL OF MINUTES

December 22, 2014

III. REPORTS OF OFFICERS

**A. REVIEW DELIBERATE AND MAKE RECOMMENDATIONS ON
APPLICATION FOR NEW "CLASS B" INTOXICATING LIQUOR AND
CLASS "B" FERMENTED MALT BEVERAGE LICENSE**

Corporation:	Three Guys and a Grill at Trinity LLC
Agent Name:	Scott McMurray
Agent Address:	N6194 Woodland Meadows Dr Sheboygan, WI 53083
d/b/a:	Three Guys and a Grill at Trinity
Location of Premises:	40 E Division St
City Council Meet Date:	February 11, 2015

IV. ADJOURN

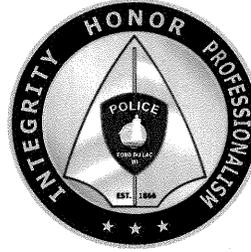
CITY OF FOND DU LAC - Memorandum

City Clerk's Office

Date: January 22, 2015
To: Alcohol License Committee
From: Maggie Hefter, City Clerk
Re: 2014-2015 "Class B" Intoxicating Liquor and Class "B"
Fermented Malt Beverage Application

"CLASS B" INTOXICATING LIQUOR AND CLASS "B" FERMENTED MALT BEVERAGE:

Limited Liability Co: Three Guys and a Grill at Trinity LLC
Agent: Scott McMurray
Address: N6194 Woodland Meadows Dr
Sheboygan, WI 53083
d/b/a: Three Guys and a Grill at Trinity
Location of Premises: 40 E Division St



Memo

To: City Manager Moore

From: Chief Lamb

Date: 01-20-15

**Re: Proposed Class B Intoxicating Liquor and Fermented Malt Beverage
Three Guys and a Grill at Trinity LLC. 40 E. Division Street**

On January 20, 2015, Assistant Chief Klein, Community Development Director Dyann Benson, Fire Department Division Chief Troy Haase, City Clerk Maggie Hefter, Amy Hansen from the DFP and Association of Commerce C.E.O Joe Reitemeier met with the listed applicants Scott McMurray and David Di Angelico to discuss their application for the proposed license for Three Guys and a Grill at Trinity, located at 40 E. Division Street (formerly Trinity Hall).

The applicants' currently own and operate Three Guys and a Pizza Pie and Three Guys and a Grill restaurants in the Elkhart Lake Wisconsin area for the past 11 years with no concerns noted from local law enforcement. The applicants' have also operated a traveling catering business providing service to the Thelma Center for the Arts and for the Elk's Club here in Fond du Lac. Mr. McMurray is looking to relocate his residence to Fond du Lac and will be heavily involved in overseeing operations at the new location.

The applicants stated they will be making some slight modifications to the interior by removing an interior wall to provide more dining space. The applicants' stated that the restaurant will be open 7-days a week with typical hours of operation being 11 a.m. to 9 p.m. for food service with the bar staying open later as warranted. The applicants' stated they plan to utilize the outdoor patio area and would on occasion have small 2 piece bands playing music for their patrons. Their menu will include the best entrees from both their current restaurant operations in Elkhart Lake.

This location has held an alcohol license in the past for a number of years with no concerns noted from law enforcement.

Assistant Chief Klein discussed with the applicants' the City's expectations of being a license holder and the importance of being a "good neighbor."

Background checks performed on the applicants', both in-house and NCIC/CIB, indicate no criminal history. There is nothing in the applicants' background that would preclude them from obtaining the requested license. The Police Department has no objections to the approval of the proposed license request and recommends approval.

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning February 12 20 15 ;
ending JUNE 30 20 15

TO THE GOVERNING BODY of the: Town of } FOND DU LAC
 Village of }
 City of }

County of FOND DU LAC Aldermanic Dist. No. _____ (if required by ordinance)

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Three Cans and a Grill at Trinity LLC
Scott J. Mc Murray David J. Angelico

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member <u>owner/member</u>	<u>Scott Mc Murray</u>	<u>N6194 Wocawo Meadow Dr. Sheboygan, WI</u>	<u>53081</u>
Vice President/Member <u>member</u>	<u>David Di Angelico</u>	<u>N6841 Hwy A. Elkhart Lake, WI</u>	
Secretary/Member			
Treasurer/Member			
Agent <u>▶</u>	<u>SCOTT McMURRAY</u>		
Directors/Managers			

3. Trade Name ▶ Three Cans and a Grill at Trinity Business Phone Number 920-933-3424
4. Address of Premises ▶ 40 East Division Street Post Office & Zip Code ▶ Fond Du Lac 54935

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) **Corporate/limited liability company applicants only:** Insert state WI and date _____ of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) All Dining, Bar, Banquet Area, Along with outdoor deck area.

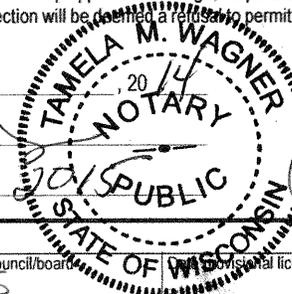
10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued? _____

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] Yes No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 17th day of Dec 2014
Tamela M. Wagner (Clerk/Notary Public)
Scott J. Mc Murray (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)
David J. Angelico (Officer of Corporation/Member/Manager of Limited Liability Company/Partner)
My commission expires March 8, 2015
[Signature] (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)



TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>12-18-14</u>	Date reported to council/board <u>2-11-15</u>	Date license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>Mc Murray</u>		(first name) <u>Scott</u>		(middle name) <u>Jay</u>	
Home Address (street/route) <u>N6194 Woodman Meadows Dr.</u>		Post Office <u>SHEBOYGAN</u>	City <u>SHEBOYGAN</u>	State <u>WI</u>	Zip Code <u>53083</u>
Home Phone Number [REDACTED]		Age [REDACTED]	Date of Birth [REDACTED]	Place of Birth [REDACTED]	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a **partnership** which is making application for an alcohol beverage license.
- Scott McMurray / Agent of Three Guys and a Grill At Trinity
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 56 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. three guys and a pizza pie, three guys and a grill LLC Elkhor Lake
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify.
(Name of Wholesale Licensee or Permittee) (Address By City and County)
6. Named individual must list in chronological order last two employers.

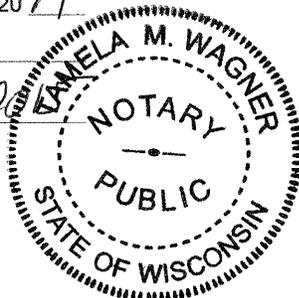
Employer's Name <u>Coca Cola Btl. Co</u>	Employer's Address <u>1817 North Ave Sheb.</u>	Employed From <u>1981</u>	To <u>2003</u>
Employer's Name <u>three guys and a grill LLC</u>	Employer's Address <u>w 7039 cky SR Elkhor Lake.</u>	Employed From <u>2003</u>	To <u>present</u>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 17th day of Dec, 2014

Sandra M. Wagner
(Clerk/Notary Public)



Scott McMurray
(Signature of Named Individual)

My commission expires March 8, 2015



Printed on Recycled Paper

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>DiMauro</u>		(first name) <u>DAVID</u>		(middle name) <u>John</u>	
Home Address (street/route) <u>N6841 Hwy A west</u>		Post Office <u>Elkhart Lake</u>	City <u>Colombus</u>	State <u>WI</u>	Zip Code <u>54935</u>
Home Phone Number <u>[REDACTED]</u>		Age	Date of Birth	Place of Birth	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- member of Three Guys and a Girl at Trinity
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? _____
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify: three guys and a girl LLC, three guys and a girl permit
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify: _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name <u>Koenig Construction</u>	Employer's Address <u>North Me. St. E.</u>	Employed From <u>1988</u>	To <u>2003</u>
Employer's Name <u>Three guys and a girl LLC</u>	Employer's Address <u>W7039 Cty SR Elkhart Lake</u>	Employed From <u>2003</u>	To <u>2014 present</u>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

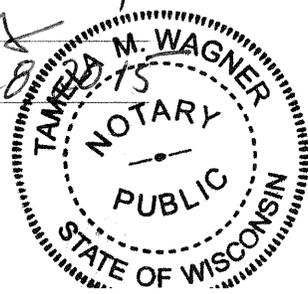
Subscribed and sworn to before me

this 17 day of Dec, 2014

Tamera M. Wagner
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires March 8, 2015



SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of FOND DU LAC County of FOND DU LAC
 City

The undersigned duly authorized officer(s)/members/managers of Three Guys And A Grill At Trinity LLC
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Three Guys And A Grill At Trinity
(trade name)

located at 40 EAST DIVISION STREET

appoints SCOTT J. Mc MURRAY
(name of appointed agent)

16194 WOODLAND MEADOWS DR. SHEBOYGAN, WI 53083
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).
three guys and a pizza pie LLC + three guys and a grill LLC Elkhorst Lake

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 56 yrs

Place of residence last year 16194 WOODLAND MEADOWS DR. SHEBOYGAN, WI 53083

For: Three Guys And A Grill At Trinity
(name of corporation/organization/limited liability company)

By: Scott J. Mc Murray
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, SCOTT J. Mc MURRAY, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Scott J. Mc Murray 12-21-14
(signature of agent) (date)

Agent's age [REDACTED]

16194 WOODLAND MEADOWS DRIVE SHEBOYGAN 53083
(home address of agent)

Date of birth [REDACTED]

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
 (Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 01/20/15 by [Signature] Title ASST-CHIEF OF POLICE
(date) (signature of proper local official) (town chair, village president, police chief)

Three Guys and a Grill at Trinity
54E. Division Street
Fond Du Lac, Wisconsin

Projections: The following gross dollar business projections are going to be based on the following existing information along with the implemented changes we are going to make to the existing business. Current ownership figures are included and we believe that overspending and a high end white collar business atmosphere has led to their closing.

Revision of the existing business to a supper club featuring affordable charcoal grilling venue and Italian pizza and pasta combinations of our two existing businesses and 11 years of experience will bring together a winning combination. Along with our existing catering, advertising, and presence at high exposure events in this marketplace that we have been working on for the last year will lead to instant business at this venue. We are also going to team up with two banquet facilities that are in the shared parking area of the Trinity location for semi exclusive catering rights. We will double the seating capacity of the present restaurant their by opening up the present banquet area to restaurant seating along with a martini bar in that area to increase bar income.

We will focus on evening dining with operations from 4p.m till 9 p.m. and being open 7 nights a week. We will also open for lunch Monday thru Sunday by 11: 00 a.m. and will consider weekend breakfast some time down the road. Outdoor weekend grilling and specials on the patio during summer

months will also be featured. Two piece or pleasant dinner entertainment on the deck will also be considered.

The existing gross income of the facility for the 12 month period from November 2013 thru October 2014 was \$1,083,344.00 We believe with the above mentioned changes we can safely project a minimum 20% increase to the gross sales to \$1,300,000.00. Along with a increase to the catering business will make this business model a successful and thriving addition to the Fond du Lac community.