

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

June 15, 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. ELECTION OF OFFICERS

- A. Vice Chairperson

III. CONSENT AGENDA

- A. May 18, 2015 Minutes

IV. REPORTS OF OFFICERS

- A. REVIEW DELIBERATE AND MAKE RECOMMENDATIONS ON RENEWAL APPLICATION "CLASS B" INTOXICATING LIQUOR AND CLASS "B" FERMENTED MALT BEVERAGE

Limited Liability Co:	North Main Hospitality LLC
Agent:	Heidi Sonnenberg
Agent Address:	159 ½ 4 th Street Fond du Lac, WI
d/b/a:	Retlaw Hotel
Location of Premises:	1 North Main Street

V. ADJOURN

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

May 18, 2015
4:00 p.m.

Meeting Rooms D & E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

ROLL CALL

Present: Shawn Anhalt
Gary Miller
Jennifer Neibauer

Absent: J. Geoffrey Bares
Jacob Lehman
Joseph Leventhal (excused)
Jennifer Neibauer (excused)
Kerry Ann Strupp (excused)

Administrative Staff: Steve Klein, Asst. Police Chief

Clerk Maggie Hefter declared a quorum present.

APPOINTMENT OF OFFICERS

Chairperson

Jennifer Neibauer nominated **Shawn Anhalt** for the Position of Chairperson of the Alcohol License Committee.

With no further nominations being made, the nominations were closed.

ROLL CALL VOTE: Aye- Anhalt, Neibauer, Miller
 Nay- None

Carried.

Shawn Anhalt was elected to the position of Chairperson of the Alcohol License Committee.

Vice-Chairperson

Motion made Anhalt to postpone the appointment Of Vice-Chairperson.

Seconded by Neibauer.

ROLL CALL VOTE: Aye- Anhalt, Neibauer, Miller
 Nay- None

Carried.

CONSENT AGENDA

April 27, 2015 Minutes

Motion made by Miller to approve the April 27, 2015 Minutes of the Alcohol License Committee as presented.
Seconded by Anhalt.
ROLL CALL VOTE: Aye- Anhalt, Neibauer, Miller
 Nay- None
Carried.

ACTIONS

REVIEW DELIBERATE AND MAKE RECOMMENDATION ON APPLICATION FOR NEW "CLASS B" INTOXICATING LIQUOR AND CLASS "B" FERMENTED MALT BEVERAGE LICENSE

Limited Liability: 1848 A&J Ventures LLC
Agent Name: Jessica Koepke
Agent Address: 114 Everett Street
 Fond du Lac, WI 54935
d/b/a: 1848
Location of Premises: 11 E 2nd St
City Council Meet Date: June 10, 2015

Appeared in Support to answer/ask questions:
Jessica Koepke, 114 Everett St., Fond du Lac, WI
Alan Blaine, 114 Everett St., Fond du Lac, WI

Motion made by Miller to recommend to City Council Approval of New "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage License.
Seconded by Neibauer.
ROLL CALL VOTE: Aye- Anhalt, Neibauer, Miller
 Nay- None
Carried.

ADJOURN

Motion made by Neibauer to adjourn.
Seconded by Anhalt.
ROLL CALL VOTE: Aye- Anhalt, Neibauer, Miller
 Nay- None
Carried.

Meeting adjourned at 4:25 p.m.

MARGARET HEFTER
CITY CLERK

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07 01 2015 ending: 06 30 2016
(MM DD YYYY) (MM DD YYYY)

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)

CHECK ONE Individual Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:
 Full Name(s) (Last, First and Middle Name) _____ Home Address _____ Post Office & Zip Code _____

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company _____
 Address of Corporation/Limited Liability Company (if different from licensed premises) _____
 All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>KIRIT PANSURIA</u>	<u>20957 JADE CT</u>	<u>DIAMOND BAR CA-91765</u>
Vice President/Member	_____	_____	_____
Secretary/Member	_____	_____	_____
Treasurer/Member	_____	_____	_____
Agent	<u>Heidi Sonneberg</u>	_____	_____
Directors/Managers	_____	_____	_____

C. 1. Trade Name RET LAW PLAZA HOTEL Business Phone Number 920-923-3000
 2. Address of Premises ONE NORTH MAIN ST Post Office & Zip Code FOND DU LAC 54935

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No
4. 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.) RET LAW PLAZA HOTEL FOND DU LAC WI-54
5. Legal description (omit if street address is given above): Restaurant, Lounge, Bar, Banquet, Rooms, Rooftop
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No
- b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Yes No
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No
9. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? 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.)

SUBSCRIBED AND SWORN TO BEFORE ME
 this _____ day of _____, 20____

(Clerk/Notary Public)
 My commission expires _____

(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK		
Date received and filed with municipal clerk <u>6-15-15</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Applicant's WI Seller's Permit No.:	FEIN Number:
<u>456-10268048826</u>	<u>3481199</u>
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100.00</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input checked="" type="checkbox"/> Class B liquor	\$ <u>500.00</u>
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>55.00</u>
TOTAL FEE	\$ <u>655.00</u>

CITY OF FOND DU LAC - Memorandum

City Attorney's Office

Date: June 12, 2015

To: Alcohol Licensing Committee Members

From: Deborah S. R. Hoffmann, City Attorney

Re: Alcohol License Non-Renewal Procedure

Under Wisconsin Statutes §125.10, the City of Fond du Lac has enacted a local ordinance governing the alcohol licensure within the City. Under Fond du Lac Municipal Code Section 400-6.C., the City created the Fond du Lac Alcohol Licensing Committee (“ALC”) as an advisory committee to the City Council. The ALC is tasked to review all applications for new licenses and administer disciplinary procedures for existing license holders. Generally, the ALC does not have a role in the renewal of a license. However, non-renewal of a license is required to be treated as a disciplinary procedure under Wisconsin Statutes §125.12(3). The ALC is tasked with holding disciplinary procedures including revocation and non-renewal hearings.

Under Wisconsin Statutes §125.12(2)(ag) a license may only be non-renewed for one of the statutorily stated reasons. For purposes of this hearing the most relevant statutory bases for non-renewal are:

§125.12(2)(ag)1. The person has violated this chapter or municipal regulations adopted under s. 125.10.

§125.12(2)(ag)4. The person does not possess the qualifications required under this chapter to hold the license.

The City also adopted Municipal Code Section 433 which regulates all City licenses and permits. Section 433-2.E., establishes payment of all taxes, assessments, or other claims of the City as a minimum qualification for a license:

- E. Delinquent taxes, assessments and claims. No license under this chapter shall be granted to any person or the premises owned by said person for which taxes, assessments or other claims of the City are delinquent and unpaid. Such a license may be suspended or revoked if the licensee subsequently fails to meet the conditions required as a basis for granting the license.

The license holder in this matter has failed to meet the minimum qualification for licensure under Fond du Lac Municipal Code by failing to pay all outstanding debts to the City. Further, the nonpayment is a violation of the municipal regulations adopted under §125.10 by the City of Fond du Lac.

Under City Code Section 400-7., Demerit Point System, liquor licensees that fail to pay their taxes and assessments are assessed 150 demerit points. The license holder has been assessed demerit points for nonpayment of their taxes, water bills and parking ramp fees.

June 12, 2015

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Upon completion of the hearing, the ALC will determine the facts and make a recommendation on whether to revoke or renew the license, which will then be presented to the City Council for review.

**CITY OF FOND DU LAC
ALCOHOL LICENSING COMMITTEE**

**CITY OF FOND DU LAC,
a Wisconsin Municipal Corporation,**

v
**NORTH MAIN HOSPITALITY LLC
dba RETLAW HOTEL
KIRIT PANSURIA, PRESIDENT/
REGISTERED AGENT
1 NORTH MAIN STREET
FOND DU LAC WI 54935**

SUMMONS

SUMMONS

THE STATE OF WISCONSIN:

To each person named above as a Defendant:

YOU ARE HEREBY NOTIFIED AND COMMANDED to appear before the Alcohol Licensing Committee on Monday, June 15 2015 at 4:00 p.m. in Room D&E of the City/County Government Center, 160 S. Macy Street, Fond du Lac, Wisconsin, to show cause why your "Class B" Combination Fermented Malt Beverage and Intoxicating Liquor License no. 15-003283 should be renewed.

If you fail to appear before the Alcohol Licensing Committee on the above date and place, the allegations contained in the enclosed complaint shall be taken as true and your license may be non-renewed.

In addition to any other procedural due process rights that may attach, you are hereby afforded the following:

1. Notice of the hearing as stated above: Monday, June 15, 2015 at 4:00 p.m., in Room D&E of the City/County Government Center, 160 S. Macy Street, Fond du Lac, Wisconsin.
2. Opportunity to examine, at and prior to the hearing, all documents and records to be used by the City Council; such documents will be open to examination upon reasonable notice to the Fond du Lac Police Department at 126 N. Main Street, Fond du Lac, Wisconsin.
3. Opportunity to present and argue your own case or have an attorney of your choice present and argue your case; legal counsel, if desired, must be provided at your own expense.
4. Opportunity to bring witnesses to testify on your behalf (if subpoenas are necessary, you may obtain subpoenas from the Fond du Lac Clerk of Courts office.)

5. Opportunity to establish all pertinent facts and circumstances.
6. Opportunity to question or refute any testimony or evidence, including the right to cross-examine adverse witnesses.
7. Opportunity to request a written transcript of the hearing at your expense.

The quasi-judicial hearing will be recorded.

ISSUED at Fond du Lac, Wisconsin, this 10th day of June 2015.

STRANG, PATTESON, RENNING
LEWIS, & LACY S.C.

By: 
Chad P. Wade
Attorney for the City
State Bar No. 1070906

City of Fond du Lac
160 S. Macy Street
P O Box 150
Fond du Lac, WI 54936-0150
(920) 322-3625

**CITY OF FOND DU LAC
ALCOHOL LICENSING COMMITTEE**

**CITY OF FOND DU LAC,
a Wisconsin Municipal Corporation,**

**v
NORTH MAIN HOSPITALITY LLC
dba RETLAW HOTEL
KIRIT PANSURIA, PRESIDENT/
REGISTERED AGENT
1 NORTH MAIN STREET
FOND DU LAC WI 54935**

Complaint

The City of Fond du Lac, by Attorney, Chad P. Wade, states as follows:

1. That, North Main Hospitality, LLC, dba Retlaw Hotel, Kirit “Ken” Pansuria, as President, and Heidi Sonneberg as Agent, (hereinafter collectively “North Main”) is the license holder of a combination Class B Fermented Malt Beverage and Intoxicating Liquor License # 15-003283 issued pursuant to Chapter 125, Wisconsin Statutes, and City of Fond du Lac Municipal Code in conformity therewith, for the Retlaw Hotel, located at 1 North Main Street, in the City of Fond du Lac, Fond du Lac County, Wisconsin.
2. That, North Main currently owes \$27,547.94 in unpaid 2014 and 2015 municipal utility bills. Further, North Main currently owes \$33,498.67 in unpaid 2014 Real Estate Taxes. Attached as Exhibit A to this complaint is a summary of the amounts due.
3. That Fond du Lac Municipal Code § 433-2E. states, “No license under this chapter shall be granted to any person or the premises owned by said person for which taxes, assessments or other claims of the City are delinquent and unpaid.” In addition, delinquent taxes and assessments are listed as a violation under Fond du Lac Municipal Code § 400-7B.
4. That the foregoing are violations of Fond du Lac Municipal Code adopted pursuant to §125.10, Wisconsin Statutes, and form the basis for nonrenewal, set forth in Wisconsin Statutes §§125.12(2)(ag) & (3), of the Combination Class B Fermented Malt Beverage and Intoxicating Liquor License # 15-003283 issued to North Main Hospitality.

WHEREFORE, the City of Fond du Lac asks that the Fond du Lac Alcohol Licensing Commission recommends non-renewal of North Main Hospitality’s Combination Class B Fermented Malt Beverage and Intoxicating Liquor License # 15-003283.



Chad P. Wade, Attorney
City of Fond du Lac

Date: June 10, 2015