



AGENDA
VILLAGE OF ASHWAUBENON
PUBLIC WORKS & PROTECTION COMMITTEE
TUESDAY, AUGUST 8, 2023

Gary Paul, *Trustee*
Jay Krueger, *Trustee*
Kelly Servais, *Trustee*
Jon Brunette, *Member*
JoAnn Euclide, *Member*

REGULAR MEETING
6:00 PM

Village Hall - Boardroom
2155 Holmgren Way, Ashwaubenon, WI 54304

Phone (920) 492-2301
ashwaubenon.gov

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Action on Agenda
5. Action on Minutes
 - a. [Action on Public Works and Protection Minutes from July 11, 2023.](#)
6. Comments from Public
 - a. Must be limited to items not on the agenda
 - b. Must state name and address
 - c. Limited to five minutes
 - d. Board's role is to listen and not discuss the item
 - e. Personnel issues cannot be discussed (nor individuals named)
 - f. Board is not able to take action at this meeting
7. Action Items
 - a. [Action on Class "B" Beer License request for 608 Axe Throwing, LLC dba 608 Axe Throwing](#)
 - b. [Action on Class "B" Beer/"Class B" Liquor License Request for SBG Apple North I, LLC dba Applebee's Neighborhood Grill & Bar](#)
 - c. [Action on Class "A" Beer/"Class A" Liquor License Request for J Squared Capital LLC dba Ridgeview Liquor](#)
 - d. [Action on Class "B" Beer/"Class A" Liquor License Request for Lala's Cafe and Catering dba Lala's Cafe and Catering](#)
 - e. [Consider/Discuss/Act on Draft Operator License Approval Policy.](#)
 - f. [Consider/Discuss/Act on Village of Ashwaubenon Ordinance Number 08-2-23, Amending the Prohibition of Loud and Unnecessary Noise](#)
8. Items for Next Agenda

9. Adjourn

Virtual Attendance Notice

Requests from persons who need reasonable special accommodations to participate in this meeting should be made to the Village Clerk's Office at kteske@ashwaubenon.gov or (920) 492-2302 with as much advance notice as possible. Attendance and/or participation may also occur electronically or virtually through the access information provided.

Join meeting from your computer, tablet, or smartphone: <https://meet.goto.com/598991021>

You can also dial in using your phone.

United States: **+1 (872) 240-3212**

Access Code: 598-991-021

Notice is hereby given that a quorum of the Village Board may be present during this meeting, although no Village Board action will be taken. This meeting is noticed as a meeting of the Village Board pursuant to Badke vs. Village of Greendale.

Attention Board Members:

Please notify Terri at (920) 492-2301 if you are unable to attend



Public Works & Protection Committee

August 8, 2023

Agenda No. 5.a

Department: Administration

Initiator: Terri Lewis

Category: Action Item

Appearance: No

Action on Public Works and Protection Minutes from July 11, 2023.

FULL EXPLANATION: Attached are the Public Works and Protection minutes from July 11, 2023 for your review and action.

MONETARY IMPACT: N/A

BUDGETED: N/A

RECOMMENDATION: Approve Public Works and Protection minutes from July 11, 2023.

ATTACHMENTS:

- [Public Works & Protection Minutes 07112023.pdf](#)



MINUTES
VILLAGE OF ASHWAUBENON
PUBLIC WORKS & PROTECTION COMMITTEE
TUESDAY, JULY 11, 2023

REGULAR MEETING
6:00 PM

Village Hall - Boardroom
2155 Holmgren Way, Ashwaubenon, WI 54304

Phone (920) 492-2301
ashwaubenon.gov

1. Call to Order

The July 11, 2023 Public Works and Protection meeting was called to order by Trustee Gary Paul.

2. Roll Call

Attendee Name	Present	Excused
Gary Paul	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jay Krueger	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kelly Servais	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jon Brunette	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JoAnn Euclide	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Others: Joel Gregozeski, Patrick Leigl, Kris Teske

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Action on Agenda

Motion (Servais, Euclide) **to Approve** the July 11, 2023 Public Works and Protection agenda. Motion carried unanimously.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Trustee Kelly Servais
SECONDER: Member JoAnn Euclide
AYES: Gary Paul, Jay Krueger, Kelly Servais, Jon Brunette, JoAnn Euclide

5. Action on Minutes

a. Action on the June 6, 2023 Public Works and Protection minutes

Motion (Servais, Brunette) **to Approve** the June 6, 2023 Public Works and Protection minutes. Motion carried unanimously.

RESULT: APPROVED [UNANIMOUS]
MOVER: Trustee Kelly Servais
SECONDER: Member Jon Brunette
AYES: Gary Paul, Jay Krueger, Kelly Servais, Jon Brunette, JoAnn Euclide

6. Comments from Public

No comments from the public.

7. Action Items

a. Action on Temporary Premise Change for Green Bay Moose Lodge 801.

Motion (Euclide, Servais) **to Recommend Approval at Village Board** the request for temporary premise change for the Green Bay Moose Lodge 801 on July 23, 2023 to include the adjacent vacant lot. Motion carried unanimously.

RESULT: APPROVED [UNANIMOUS]
MOVER: Member JoAnn Euclide
SECONDER: Trustee Kelly Servais
AYES: Gary Paul, Jay Krueger, Kelly Servais, Jon Brunette, JoAnn Euclide

b. Action on Class "B" Beer/"Class B" Liquor License Request for Tajin Mexican Grill VR, LLC d/b/a Tajin Mexican Grill

Motion (Krueger, Servais) **to Recommend Approval at Village Board** the Class "B" Beer/"Class B" liquor licensed for Tajin Mexican Grill VR, LLC d/b/a/Tajin Mexican Grill. Motion carried unanimously.

RESULT: APPROVED [UNANIMOUS]
MOVER: Trustee Jay Krueger
SECONDER: Trustee Kelly Servais
AYES: Gary Paul, Jay Krueger, Kelly Servais, Jon Brunette, JoAnn Euclide

c. Consider/Discuss/Act on Village of Ashwaubenon Ordinance No. 07-1-23, Amending Prohibited Parking Areas

Motion (Servais, Krueger) **to Recommend Approval at Village Board** Ordinance No. 07-1-23 amending Section 114, Parking, Stopping or Standing prohibited, Article 4, Parking, Chapter 7, Traffic and Vehicles of the Village of Ashwaubenon Municipal Code. Motion carried unanimously.

RESULT: APPROVED [UNANIMOUS]
MOVER: Trustee Kelly Servais
SECONDER: Trustee Jay Krueger
AYES: Gary Paul, Jay Krueger, Kelly Servais, Jon Brunette, JoAnn Euclide

8. Items for Next Agenda

No items for next agenda.

9. Adjourn

Motion (Krueger, Servais) **to Adjourn** the July 11, 2023 Public Works and Protection meeting at 6:11 pm. Motion carried unanimously.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Trustee Jay Krueger
SECONDER: Trustee Kelly Servais
AYES: Gary Paul, Jay Krueger, Kelly Servais, Jon Brunette, JoAnn Euclide



Public Works & Protection Committee

August 8, 2023

Agenda No. 7.a

Department: Clerk
Initiator: Kris Teske
Category: Action Item
Appearance: Yes

**Action on Class "B" Beer License request for 608 Axe Throwing, LLC dba
608 Axe Throwing**

FULL EXPLANATION: 608 Axe Throwing LLC dba 608 Axe Throwing is requesting approval of a Class "B" Beer license for 303 Bay Park Square #201C. Blades and Boards was in this location prior with the same type of alcohol license. All paperwork and corresponding fee has been filed accordingly. The entity is presently working under a provisional license.

MONETARY IMPACT: N/A

BUDGETED: N/A

RECOMMENDATION: N/A

ATTACHMENTS:

- [608 Axe Throwing Beer Application_Redacted.pdf](#)

Form
AT-106

Original Alcohol Beverage License Application

FOR CLERKS ONLY	
Municipality	
License Period	

License(s) Requested

- | | |
|--|--|
| <input type="checkbox"/> Class "A" Beer \$ _____
<input type="checkbox"/> Class "B" Beer \$ <u>100.00</u>
<input type="checkbox"/> "Class C" Wine \$ _____
<input type="checkbox"/> Reserve "Class B" Liquor \$ _____ | <input type="checkbox"/> "Class A" Liquor \$ _____
<input type="checkbox"/> "Class B" Liquor \$ _____
<input type="checkbox"/> "Class A" Liquor (Cider Only) \$ <u>0</u>
<input type="checkbox"/> "Class B" (Wine Only) Winery \$ _____ |
|--|--|

License Fees	\$ 100.00
Publication Fee	\$ <u>20.⁰⁰</u>
Background Check	\$ -
Total Fees	\$ <u>120.⁰⁰</u>

Pd
✓1037
Rec. No.
17.000344

Part A: Premises/Business Information		
1. Legal Business Name (registered entity name or individual's name if sole proprietorship) 608 Axe Throwing LLC		
2. Trade Name or DBA 608 Axe Throwing		
3. Premises Address 303 Bay Park Sq #201C, Green Bay, WI. 54304		
4. County Brown	5. Municipality Green Bay	6. Aldermanic District
7. Mailing Address (if different from premises address) 713 Broadway St. Baraboo, WI. 53913		
8. FEIN 87-2414377	9. Wisconsin Seller's Permit Number 456103079795902	
10. Premises Phone [REDACTED]	11. Premises Email [REDACTED]	
12. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization		
13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe 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 in this application. Attach additional sheets if necessary. Inside the physical location. Single open space and all alcohol beverages are to be sold and consumed inside the space.		

Part B: Questions
1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate..... <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)?..... <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please explain using the space below. Attach additional sheets if necessary.

Part C: For Corporate/LLC Applicants Only		
1. State of Registration Wisconsin	2. Date of Registration 08/05/20	
3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Name of Parent Company	FEIN of Parent Company	
4. Does the parent company or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please explain using the space below. Attach additional sheets if necessary.		
5. Agent's Last Name	Agent's First Name	Phone

Part D: Individual Information
A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone
Williamson	David	Owner	██████████

Part E: Attestation	
Who must sign this application? <ul style="list-style-type: none"> • sole proprietor • one general partner of a partnership • one corporate officer • one managing member of an LLC 	
<p>READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.</p>	
Signature 	Date 06/15/2023
Name (Last, First, M.I.) Williamson, David B	
Title Owner	Email ██████████
	Phone ██████████

Part F: For Clerk Use Only		
Date application was filed with clerk	Date reported to governing body	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		

Date
06/15/20

Form
AT-103

Alcohol Beverage License Application Supplemental Questionnaire

This form must be submitted to the municipal clerk, and be accompanied by one or more of the following forms: AT-104, AT-106, AT-108, AT-115, or AT-200. One Form AT-103 must be completed by each person involved in the applicant business or parent company including:

- sole proprietor
- all partners of a partnership
- all officers, directors, and agent of a corporation or nonprofit organization
- managing members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Supplemental Questionnaires are submitted.

Part A: Premises/Business Information	
1. Registered Entity Name (or individual name if sole proprietor) 608 Axe Throwing LLC	
2. Trade Name or DBA 608 Axe Throwing	
3. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization	

Part B: Individual Information			
1. Name (Last, First, M.I.) Williamson, David B			
2. Relationship to Registered Entity (Title) Owner	3. Email [REDACTED]	4. Phone [REDACTED]	
5. Home Address 1619 Broadway			
6. City Wisconsin Dells	7. State WI	8. Zip Code 53965	9. [REDACTED]
10. Drivers License/State ID Number [REDACTED]		11. Drivers License/State ID State of Issuance Wisconsin	

Part C: Address History	
List in chronological order your last two residence addresses within the last 5 years.	
Previous Address 1	
Previous City, State, Zip	Dates (MM/YYYY - MM/YYYY)
Previous Address 2	
Previous City, State, Zip	Dates (MM/YYYY - MM/YYYY)

Part D: Employment History	
List in chronological order your last two employers within the last 5 years.	
Employer's Name Chula Vista Resort	
Employer's Address 2501 River Rd	Dates Employed (MM/YYYY - MM/YYYY) 09/2005-Present
Employer's Name	
Employer's Address	Dates Employed (MM/YYYY - MM/YYYY)

Part E: Criminal History

1. Have you ever been convicted of any offenses (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? Yes No
 If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.

Law/Ordinance Violated Operating commercial vehicle without the proper license	Trial Date
Penalty Imposed Fine	Was sentence completed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No

2. Are charges for any offenses currently pending against you (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? Yes No
 If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.

Part F: Questions

1. Have you lived in any state other than Wisconsin as an adult? If yes, please list them in the space below. If no, continue to question 2. Yes No
Arizona

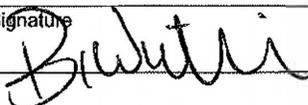
2. How long have you continuously lived in Wisconsin prior to the date of application?

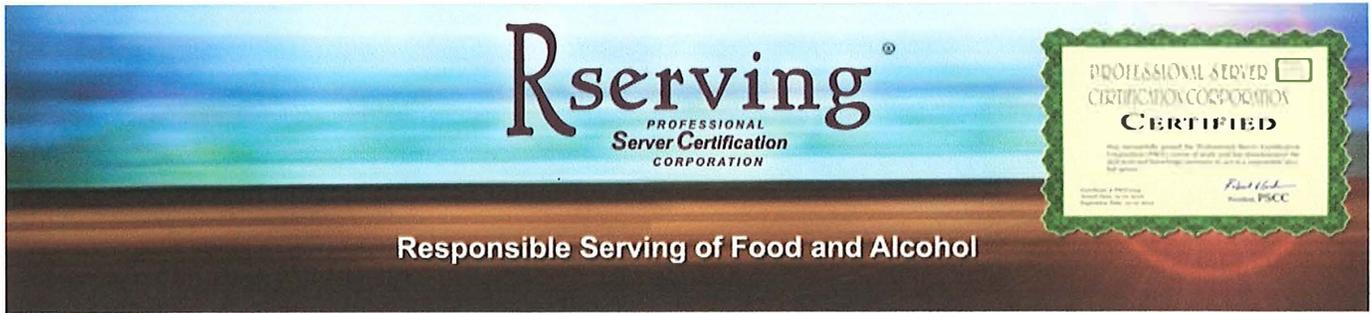
Years	Months
18yrs	

3. Do you hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g. brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets as needed. Yes No

Part G: Attestation

READ CAREFULLY BEFORE SIGNING: I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature 	Date 06/15/2023
--	---------------------------



Wisconsin Responsible Serving of Alcohol

This certificate confirms that

David Brett Williamson

has successfully passed the Rserveing Responsible Serving of Alcohol course of study. This is a Wisconsin Department of Revenue approved Responsible Beverage Server Training Course in compliance with Sec. 125.17 (6) and 125.04 (5) (a) 5. Wis. Stats.

AUTHENTIC

Certificate #: PSCC10000536641
Award Date: 09-16-2021
Expiration Date: 09-15-2023



To verify this certificate, go to Rserveing.com.

Robert Graham, President/CEO

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 an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town
 Village of Green Bay County of Brown
 City

The undersigned duly authorized officer/member/manager of 608 Axe Throwing 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 608 Axe Throwing
(Trade Name)

located at 303 Bay Park Square #201C, Green Bay, WI. 54304

appoints David Brett Williamson
(Name of Appointed Agent)
1619 Broadway Wisconsin Dells, WI. 53965
(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).
Baraboo and pending in Oshkosh

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? 18 Years

Place of residence last year 1619 Broadway Wisconsin Dells, WI. 53965

For: 608 Axe Throwing LLC
(Name of Corporation / Organization / Limited Liability Company)

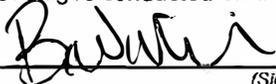
By: 
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, David Brett Williamson, 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.

 6/15/2023 Agent's age
(Signature of Agent) (Date)
1619 Broadway Wisconsin Dells, WI. 53965 Date of birth
(Home Address of Agent)

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 7/12/23 by  Title Chief
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

ALCOHOL BEVERAGE LICENSE APPLICATION - STATEMENT OF INTENT

INSTRUCTIONS

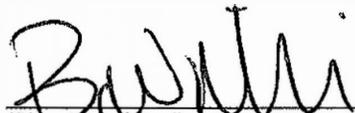
In order to apply for an alcohol beverage license in the Village of Ashwaubenon, the licensee or license agent must sign this Statement of Intent. This document allows the Village of Ashwaubenon to ensure that your license will be used within 90 days of its granting (or within 90 days of the start of the license year for renewal applications).

If you are applying for a new license and construction or remodeling activities will prevent you from operating within 90 days of the granting of the license, please sign below and attach written documentation outlining the duration of such activities and the anticipated first date of operation under the license applied for. The Village Board will then review your request for additional time. If granted, the time granted by the Village Board shall be substituted for the 90 days.

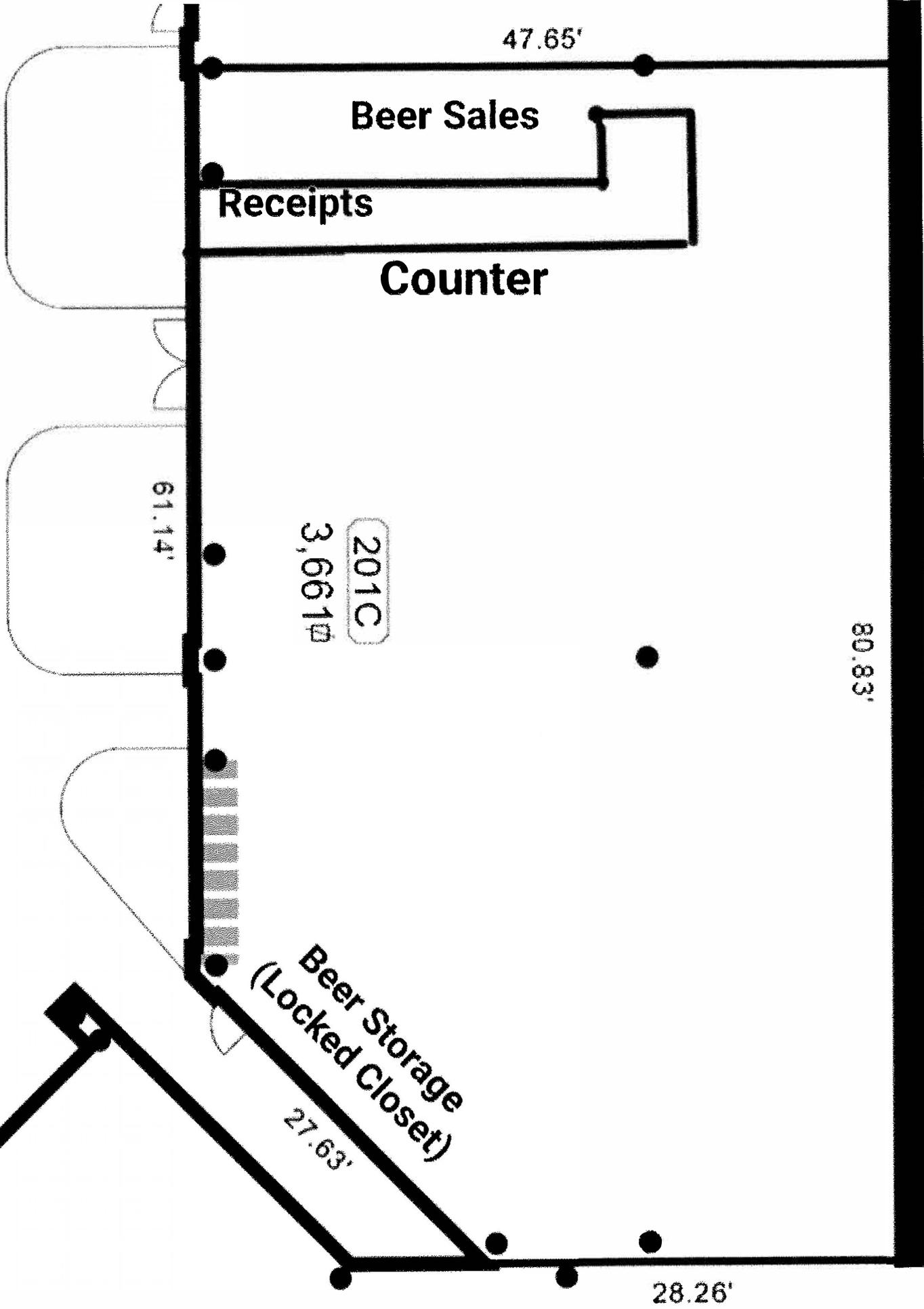
STATEMENT OF INTENT

The undersigned applicant for an alcohol beverage license hereby agrees to begin operation of the proposed establishment pursuant to the alcohol beverage license applied for within 90 calendar days of the final approval of the application by the Village of Ashwaubenon Village Board. The undersigned agrees that if the alcohol beverage license applied for is not issued or operation under the license does not begin within such time, the license shall be considered surrendered to the Village of Ashwaubenon without the need for further action or proceeding. The Village of Ashwaubenon may then grant the license to another applicant.

Under penalty provided by law, the signer states that the above statement has been truthfully provided to the best of the knowledge of the signer. Any inaccurate or untruthful answer may be grounds for denial of the application. Signer agrees to operate this business according to law and observe the provisions of the Ashwaubenon Municipal Code.


(Signature of Applicant or Agent)

6/15/2023
(Date)



Date of this notice: 08-30-2021

Employer Identification Number:
87-2414377

Form: SS-4

Number of this notice: CP 575 A

608 AXE THROWING LLC
DAVID BRETT WILLIAMSON SOLE MBR
1619 BROADWAY
WISCONSIN DELLS, WI 53965

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 87-2414377. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 941	01/31/2022
Form 940	01/31/2022

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

If you are required to deposit for employment taxes (Forms 941, 943, 940, 944, 945, CT-1, or 1042), excise taxes (Form 720), or income taxes (Form 1120), you will receive a Welcome Package shortly, which includes instructions for making your deposits electronically through the Electronic Federal Tax Payment System (EFTPS). A Personal Identification Number (PIN) for EFTPS will also be sent to you under separate cover. Please activate the PIN once you receive it, even if you have requested the services of a tax professional or representative. For more information about EFTPS, refer to Publication 966, *Electronic Choices to Pay All Your Federal Taxes*. If you need to make a deposit immediately, you will need to make arrangements with your Financial Institution to complete a wire transfer.



WISCONSIN DEPARTMENT OF REVENUE
 PO BOX 8902
 MADISON, WI 53708-8902

Contact Information:

2135 RIMROCK RD PO BOX 8902
 MADISON, WI 53708-8902
 ph: 608-266-2776 fax: 608-224-5761
 email: DORBusinessTax@wisconsin.gov
 website: revenue.wi.gov

Letter ID L0394848208

608 AXE THROWING LLC
 1619 BROADWAY
 WISCONSIN DELLS WI 53965-1303

Wisconsin Department of Revenue Seller's Permit

Legal/real name: 608 AXE THROWING LLC

Business name: 608 AXE THROWING
 303 BAY PARK SQ
 SUITE 201C
 GREEN BAY WI 54304-5104

- This certificate confirms you are registered with the Wisconsin Department of Revenue and authorized in the business of selling tangible personal property and taxable services.
- You may not transfer this permit.
- This permit must be displayed at the place of business and is not valid at any other location.
- If your business is not operated from a fixed location, you must carry or display this permit at all events.

Tax Type	Account Type	Account Number
Sales & Use Tax	Seller's Permit	456-1030797959-02



Public Works & Protection Committee

August 8, 2023

Agenda No. 7.b

Department: Clerk
Initiator: Kris Teske
Category: Action Item
Appearance: Yes

Action on Class "B" Beer/"Class B" Liquor License Request for SBG Apple North I, LLC dba Applebee's Neighborhood Grill & Bar

FULL EXPLANATION: SBG Apple North I, LLC dba Applebee's Neighborhood Grill & Bar (new owner) is requesting approval of a Class"B" Beer/"Class B" Liquor license for 900 Hansen Road. All paperwork and corresponding fee has been filed accordingly. They will be working under a provisional license until approved.

MONETARY IMPACT: N/A

BUDGETED: N/A

RECOMMENDATION: N/A

ATTACHMENTS:

- [SBG Apple North I, LLC dba Applebee's Alcohol Application_Redacted.pdf](#)

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: _____ ending: _____
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of }
 Village of } ASHWAUBENON
 City of }

County of BROWN Aldermanic Dist. No. _____
(if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number 456103091865002	
FEIN Number 88-0774626	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ 100.00
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ 500.00
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 20
TOTAL FEE	\$ 1,020.00 Pd.

Name (Individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
SBG APPLE NORTH I, LLC

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 full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
LEVY	ANDREW	MARDER	437 S. HARBOR DRIVE, KEY LARGO, FL 33037
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
BANASZEK	CASIMIR	JOSEPH	829 E SYLVAN AVE., WHITEFISH BAY, WI 53217
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name APPLEBEE'S NEIGHBORHOOD GRILL + BAR Business Phone Number 920-496-9095

2. Address of Premises 900 HANSEN ROAD Post Office & Zip Code GREEN BAY, WI 54304

3. 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.)

RESTAURANT AND FREE STANDING BAR

4. Legal description (omit if street address is given above): _____

5. (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? WISCONSIN APPLE, LLC

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? If yes, explain Yes No

7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? If yes, explain. Yes No

8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? If yes, explain Yes No

9. (a) Corporate/limited liability company applicants only: Insert state FLORIDA and date 02/21/22 of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? If yes, explain SBG APPLE NORTH I, LLC IS A WHOLLY OWNED SUBSIDIARY OF SBG APPLE OPCO, LLC 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? If yes, explain. CASIMIR BANASZEK IS AN AGENT FOR, AND ANDREW LEVY IS AN OFFICER OF, MULTIPLE OTHER APPLEBEE'S LOCATIONS AND ONE FUZZY'S TACO SHOP LOCATION IN WISCONSIN THAT HAVE OR ARE APPLYING FOR ALCOHOL BEVERAGE LICENSES. Yes No

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No

11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No

12. 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 signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees 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, or one member of a partnership applicant must sign; one corporate officer, one member/manager 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.

Table with 3 columns: Contact Person's Name (Last, First, M.I.), Title/Member, Date, Signature, Phone Number, Email Address. Includes handwritten signature of Andrew Levy and date 06/08/2023.

TO BE COMPLETED BY CLERK

Table with 4 columns: Date received and filed with municipal clerk, Date reported to council / board, Date provisional license issued, Signature of Clerk / Deputy Clerk, Date license granted, Date license issued, License number issued.

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 an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of ASHWAUBENON County of BROWN
 City

The undersigned duly authorized officer/member/manager of SBG APPLE NORTH I, 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 APPLEBEE'S NEIGHBORHOOD GRILL & BAR
(Trade Name)

located at 900 HANSEN ROAD, GREEN BAY, WI 54304

appoints CASIMIR BANASZEK
(Name of Appointed Agent)

829 E SYLVAN AVE., WHITEFISH BAY, WI 53217
(Home Address of Appointed Agent)

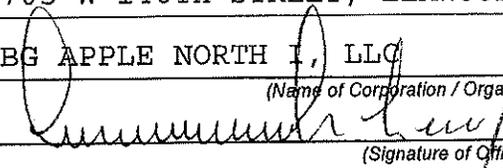
to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability 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).
SEE ATTACHED LIST.

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? 9 MONTHS

Place of residence last year 2705 W 140TH STREET, LEAWOOD, KS 66224

For: SBG APPLE NORTH I, LLC
(Name of Corporation / Organization / Limited Liability Company)

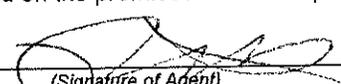
By: 
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, CASIMIR BANASZEK, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

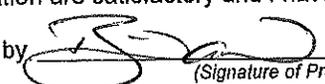
corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

 6/1/23 Agent's age 
(Signature of Agent) *(Date)*

829 E SYLVAN AVE., WHITEFISH BAY, WI 53217 Date of birth 
(Home Address of Agent)

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 7/10/23 by  Title Chief
(Date) *(Signature of Proper Local Official)* *(Town Chair, Village President, Police Chief)*

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) Levy		(first name) Andrew		(middle name) Marder	
Home Address (street/route) 437 S. Harbor Drive		Post Office	City Key Largo	State FL	Zip Code 33037
[Redacted]		[Redacted]	[Redacted]	Place of Birth Huntington, NY	

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.
 - Manager** of **SBG Apple North I, LLC**
- (Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

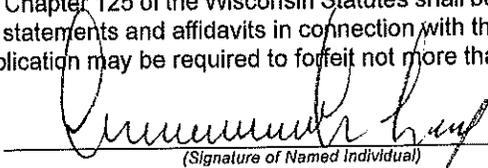
The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? N/A
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. See attached list.
(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 Starboard Group	Employer's Address 12540 W. Atlantic Blvd., Coral Springs, FL 33071	Employed From 04/02/1999	To Present
Employer's Name Big Apple Computers	Employer's Address 250 Park Avenue South, 4th Floor, New York, NY	Employed From 06/29/1992	To 2002

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees 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. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Signature of Named Individual)

Entity	DBA	Address	City	State	Zip Code
SBG Apple North I, LLC	Applebee's Neighborhood Grill + Bar	3730 West College Avenue	Appleton	WI	54911
SBG Apple North I, LLC	Applebee's Neighborhood Grill + Bar	4745 Golf Road	Eau Claire	WI	54701
SBG Apple North I, LLC	Applebee's Neighborhood Grill + Bar	2420 West Mason Street	Green Bay	WI	54303
SBG Apple North I, LLC	Applebee's Neighborhood Grill + Bar	900 Hansen Road	Green Bay	WI	54304
SBG Apple North I, LLC	Applebee's Neighborhood Grill + Bar	4435 Calumet Avenue	Manitowoc	WI	54220
SBG Apple North I, LLC	Applebee's Neighborhood Grill + Bar	1700 South Koeller Street	Oshkosh	WI	54902
SBG Apple North I, LLC	Applebee's Neighborhood Grill + Bar	2510 West Washington Street	West Bend	WI	53095
SBG Apple North I, LLC	Applebee's Neighborhood Grill + Bar	2865 South 108th Street	West Allis	WI	53227
SBG Apple North III, LLC	Applebee's Neighborhood Grill + Bar	2221 Stewart Avenue	Wausau	WI	54401
SBG Apple North IV, LLC	Applebee's Neighborhood Grill + Bar	1834 Miller Park Way	Milwaukee	WI	53219
SBG Apple North V, LLC	Applebee's Neighborhood Grill + Bar	9364 Wisconsin 16 Trunk	Onalaska	WI	54650
SBG Apple North VI, LLC	Applebee's Neighborhood Grill + Bar	340 State Highway 13	Nekoosa	WI	54457
SBG Apple North VII, LLC	Applebee's Neighborhood Grill + Bar	3100 Golf Road	Delafield	WI	53018
SBG Apple North VIII, LLC	Applebee's Neighborhood Grill + Bar	4710 East Towne Boulevard	Madison	WI	53704
SBG Apple North IX, LLC	Applebee's Neighborhood Grill + Bar	4311 8th Street South	Wisconsin Rapids	WI	54494
SBG Apple North X, LLC	Applebee's Neighborhood Grill + Bar	115 East Industrial Drive	Beaver Dam	WI	53916
SBG Apple North XI, LLC	Applebee's Neighborhood Grill + Bar	7135 South 13th Street	Oak Creek	WI	53154
SBG Apple North XII LLC	Applebee's Neighborhood Grill + Bar	6950 75th Street	Kenosha	WI	53142
SBG Apple North XIII, LLC	Applebee's Neighborhood Grill + Bar	w180n9469 Premier Lane	Menomonee Falls	WI	53051
SBG Apple North XIV, LLC	Applebee's Neighborhood Grill + Bar	2114 North Central Avenue	Marshfield	WI	54449
SBG Apple North XV, LLC	Applebee's Neighborhood Grill + Bar	1267 Capitol Drive	Pewaukee	WI	53072
SBG Taco West Port, LLC	Fuzzy's Taco Shop	302 W. Port Plaza Dr	Maryland Heights	MO	63145
SBG Taco St. Charles, LLC	Fuzzy's Taco Shop	2412 W. Clay Street	St. Charles	MO	63301
SBG Taco Manchester, LLC	Fuzzy's Taco Shop	1288 Old Orchard Center	Manchester	MO	63201
SBG Taco Columbia, LLC	Fuzzy's Taco Shop	205 E. Nifong, Suite 200	Columbia	MO	65203
SBG Taco Webster, LLC	Fuzzy's Taco Shop	8073 Watson Rd	Webster Groves	MO	63119
SBG Taco Weston, LLC	Fuzzy's Taco Shop	2805 DC Everest Blvd	Weston	WI	54476

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print)		(last name)	(first name)	(middle name)
		Banaszek	Casimir	Joseph
Home Address (street/route)		Post Office	City	State Zip Code
829 E Sylvan Ave.			Whitefish Bay	WI 53217
Place of Birth		Palo Alto, CA		

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.
- Agent of SBG Apple North I, LLC
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

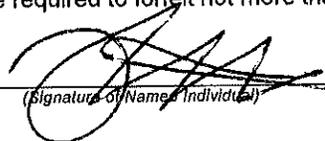
The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 9 months
- 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. See attached list.
(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)

6. Named individual must list in chronological order last two employers.

Employer's Name Wisconsin Apple	Employer's Address 3909 Ambassador Caffery Pkwy, Lafayette, LA 70503	Employed From 08/01/2022	To Current
Employer's Name Flynn Restaurant Group	Employer's Address Corporate: 225 Bush Street, Suite 1800, San Francisco, CA 94104	Employed From 01/01/2006	To 7/30/2022

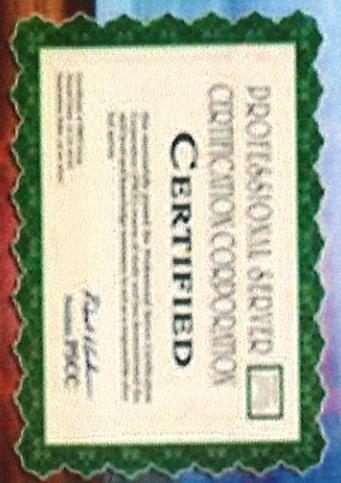
READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and 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. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Signature of Named Individual)

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SBG Apple North V, LLC	Applebee's Neighborhood Grill + Bar	9364 Wisconsin 16 Trunk	Onalaska	WI	54650
SBG Apple North VI, LLC	Applebee's Neighborhood Grill + Bar	340 State Highway 13	Nekoosa	WI	54457
SBG Apple North VII, LLC	Applebee's Neighborhood Grill + Bar	3100 Golf Road	Delafield	WI	53018
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SBG Apple North XII LLC	Applebee's Neighborhood Grill + Bar	6950 75th Street	Kenosha	WI	53142
SBG Apple North XIII, LLC	Applebee's Neighborhood Grill + Bar	w180n9469 Premier Lane	Menomonee Falls	WI	53051
SBG Apple North XIV, LLC	Applebee's Neighborhood Grill + Bar	2114 North Central Avenue	Marshfield	WI	54449
SBG Apple North XV, LLC	Applebee's Neighborhood Grill + Bar	1267 Capitol Drive	Pewaukee	WI	53072
SBG Taco Weston, LLC	Fuzzy's Taco Shop	2805 DC Everest Blvd	Weston	WI	54476



Responsible Serving of Food and Alcohol



Wisconsin Responsible Serving of Alcohol

This certificate confirms that Casimir Banaszek

has successfully passed the Reserving Responsible Serving of Alcohol course of study. This is a Wisconsin Department of Revenue approved Responsible Beverage Server Training Course in compliance with Sec. 125.17 (6) and 125.04 (5) (a) 5. Wis. Stats.

AUTHENTIC



Robert V. Gard

Robert Graham, President/CEO

Certificate #: PSCC10000649829
Issue Date: 05-11-2023
Expiration Date: 05-10-2025

To verify this certificate, go to Reserving.com.

 DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 02-18-2022

Employer Identification Number:
88-0774626

Form: SS-4

Number of this notice: CP 575 G

SBG APPLE NORTH I LLC
ANDREW LEVY SOLE MBR
12540 W ATLANTIC BLVD
CORAL SPRINGS, FL 33071

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 88-0774626. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you. You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.
- * Provide future officers of your organization with a copy of this notice.

Your name control associated with this EIN is SBGA. You will need to provide this information along with your EIN, if you file your returns electronically.

Safeguard your EIN by referring to Publication 4557, Safeguarding Taxpayer Data: A Guide for Your Business.

You can get any of the forms or publications mentioned in this letter by visiting our website at www.irs.gov/forms-pubs or by calling 800-TAX-FORM (800-829-3676).

If you have questions about your EIN, you can contact us at the phone number or address listed at the top of this notice. If you write, please tear off the stub at the bottom of this notice and include it with your letter.

Thank you for your cooperation.

Keep this part for your records.

CP 575 G (Rev. 7-2007)

Return this part with any correspondence so we may identify your account. Please correct any errors in your name or address.

CP 575 G

9999999999

Your Telephone Number Best Time to Call
() -

DATE OF THIS NOTICE: 02-18-2022
EMPLOYER IDENTIFICATION NUMBER: 88-0774626
FORM: SS-4 NOBOD

INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023
[Barcode]

SBG APPLE NORTH I LLC
ANDREW LEVY SOLE MBR
12540 W ATLANTIC BLVD
CORAL SPRINGS, FL 33071

ALCOHOL BEVERAGE LICENSE APPLICATION - STATEMENT OF INTENT

INSTRUCTIONS

In order to apply for an alcohol beverage license in the Village of Ashwaubenon, the licensee or license agent must sign this Statement of Intent. This document allows the Village of Ashwaubenon to ensure that your license will be used within 90 days of its granting (or within 180 days of the start of the license year for renewal applications).

If you are applying for a new license and construction or remodeling activities will prevent you from operating within 90 days of the granting of the license, please sign below and attach written documentation outlining the duration of such activities and the anticipated first date of operation under the license applied for. The Village Board will then review your request for additional time. If granted, the time granted by the Village Board shall be substituted for the 90 days.

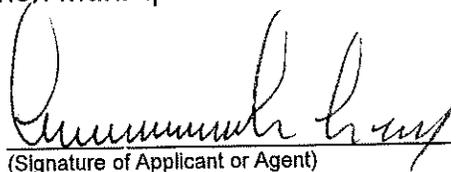
STATEMENT OF INTENT

The undersigned applicant for an alcohol beverage license hereby agrees to begin operation of the proposed establishment pursuant to the alcohol beverage license applied for within 90 calendar days of the final approval of the application by the Village of Ashwaubenon Village Board. The undersigned agrees that if the alcohol beverage license applied for is not issued or operation under the license does not begin within such time, the license shall be considered surrendered to the Village of Ashwaubenon without the need for further action or proceeding. The Village of Ashwaubenon may then grant the license to another applicant.

Under penalty provided by law, the signer states that the above statement has been truthfully provided to the best of the knowledge of the signer. Any inaccurate or untruthful answer may be grounds for denial of the application. Signer agrees to operate this business according to law and observe the provisions of the Ashwaubenon Municipal Code.

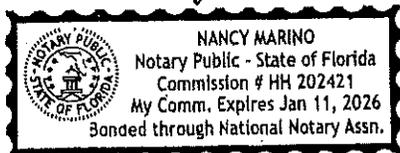
Subscribed and sworn to before me

This 26th day of May 2023


(Signature of Applicant or Agent)

Nancy Marino
(Clerk/Notary Public)

My commission expires: Jan 11, 2026





parking
entrance
and exit

North

Applebee's Ashwaubenon
900 Hansen Rd. ashwaubenon WI 54304

capacity
340

parking entrance and exit



Hansen Rd

Onieda St.



WISCONSIN DEPARTMENT OF REVENUE
PO BOX 8902
MADISON, WI 53708-8902

Contact Information:

2135 RIMROCK RD PO BOX 8902
MADISON, WI 53708-8902
ph: 608-266-2776 fax: 608-224-5761
email: DORBusinessTax@wisconsin.gov
website: revenue.wi.gov

Letter ID L0334235600

PATRICIA ANGEL
SBG APPLE NORTH I, LLC
12540 W ATLANTIC BLVD
CORAL SPRINGS FL 33071-4085

Wisconsin Department of Revenue Seller's Permit

Legal/real name: SBG APPLE NORTH I, LLC
Business name: 854 - APPLEBEES
900 HANSEN RD
GREEN BAY WI 54304-5326

- This certificate confirms you are registered with the Wisconsin Department of Revenue and authorized in the business of selling tangible personal property and taxable services.
- You may not transfer this permit.
- This permit must be displayed at the place of business and is not valid at any other location.
- If your business is not operated from a fixed location, you must carry or display this permit at all events.

Tax Type

Sales & Use Tax

Account Type

Seller's Permit

Account Number

456-1030918650-02



State of Wisconsin • DEPARTMENT OF REVENUE

Personal Wallet Copy

Seller's Permit: 456-1030918650-02

Legal/Real Name: SBG APPLE NORTH I, LLC

Signature _____

We are here to serve you

Wisconsin Department of Revenue
PO Box 8902
Madison, WI 53708-8902

Ph: 608-266-2776

Fax: 608-264-6884

Email: dorbusinessstax@revenue.wi.gov

Web: www.revenue.wi.gov

Main office: 2135 Rimrock Rd., Madison



Public Works & Protection Committee

August 8, 2023

Agenda No. 7.c

Department: Clerk
Initiator: Kris Teske
Category: Action Item
Appearance: Yes

Action on Class "A" Beer/"Class A" Liquor License Request for J Squared Capital LLC dba Ridgeview Liquor

FULL EXPLANATION: J Square Capital LLC dba Ridgeview Liquor is requesting approval of a Class "A" Beer/"Class A" Liquor License for 2202 S. Ridge Road. This is contingent upon surrender of the existing license at 2202 S. Ridge Road. All paperwork and corresponding fee have been filed accordingly. A representative will be in attendance.

MONETARY IMPACT: N/A

BUDGETED: N/A

RECOMMENDATION: N/A

ATTACHMENTS:

- [Ridgeview Liquor_Redacted.pdf](#)

pd CL

Form AT-106

Original Alcohol Beverage License Application

FOR CLERKS ONLY	
Municipality	
License Period	

License(s) Requested

- Class "A" Beer \$ 458.33 "Class A" Liquor \$ 458.33
- Class "B" Beer \$ _____ "Class B" Liquor \$ _____
- "Class C" Wine \$ _____ "Class A" Liquor (Cider Only) \$ _____
- Reserve "Class B" Liquor \$ _____ "Class B" (Wine Only) Winery \$ _____

License Fees	\$ <u>916.66</u>
Publication Fee	\$ <u>20.00</u>
Background Check	\$
Total Fees	\$ <u>936.66</u>

Part A: Premises/Business Information		
1. Legal Business Name (registered entity name or individual's name if sole proprietorship) J Squared Capital LLC		
2. Trade Name or DBA Ridgeview Liquor		
3. Premises Address 2202 S. Ridge Rd.		
4. County Brown	5. Municipality Village of Ashwaubenon	6. Aldermanic District Ward 4
7. Mailing Address (if different from premises address)		
8. FEIN 92-4020592	9. Wisconsin Seller's Permit Number 456103143499604	
10. Premises Phone (920) 499-6166	11. Premises Email rvliquor@gmail.com	
12. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization		
13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe 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 in this application. Attach additional sheets if necessary. The premisis is located at 220 S. Ridge Rd. Ashwaubenon, WI 54304. It includes the main sales floor, northwest storage room, north office, and east coolers.		

Part B: Questions	
1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets if necessary.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Part C: For Corporate/LLC Applicants Only

1. State of Registration WI		2. Date of Registration 05/12/23	
3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Name of Parent Company J Squared Capital LLC		FEIN of Parent Company 92-4020592	
4. Does the parent company or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please explain using the space below. Attach additional sheets if necessary.			
5. Agent's Last Name Kowaleski		Agent's First Name Joshua	Phone [REDACTED]

Part D: Individual Information

A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

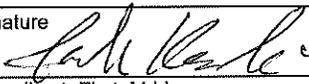
List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone
Kowaleski	Joshua	Partner	[REDACTED]
Hansen	Joel	Partner	[REDACTED]

Part E: Attestation

Who must sign this application?
 sole proprietor one general partner of a partnership one corporate officer one managing member of an LLC

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature 		Date 07/28/2023	
Name (Last, First, M.I.) Kowaleski, Joshua, K			
Title Partner		Email [REDACTED]	Phone [REDACTED]

Part F: For Clerk Use Only

Date application was filed with clerk	Date reported to governing body	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		

Date
7/28/2023Form
AT-103Alcohol Beverage License Application
Supplemental Questionnaire

This form must be submitted to the municipal clerk, and be accompanied by one or more of the following forms: AT-104, AT-106, AT-108, AT-115, or AT-200. One Form AT-103 must be completed by each person involved in the applicant business or parent company including:

- sole proprietor
- all partners of a partnership
- all officers, directors, and agent of a corporation or nonprofit organization
- managing members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Supplemental Questionnaires are submitted.

Part A: Premises/Business Information	
1. Registered Entity Name (or individual name if sole proprietor) J Squared Capital	
2. Trade Name or DBA Ridgeview Liquor	
3. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization	

Part B: Individual Information			
1. Name (Last, First, M.I.) Hansen, Joel, J			
2. Relationship to Registered Entity (Title) Owner	3. Email [REDACTED]	4. Phone [REDACTED]	
5. Home Address 1388 Bingham Dr			
6. City De Pere	7. State WI	8. Zip Code 54115	9. Date of Birth [REDACTED]
10. Drivers License/State ID Number [REDACTED]		11. Drivers License/State ID State of Issuance Wisconsin	

Part C: Address History	
List in chronological order your last two residence addresses within the last 5 years.	
Previous Address 1	
Previous City, State, Zip	Dates (MM/YYYY - MM/YYYY)
Previous Address 2	
Previous City, State, Zip	Dates (MM/YYYY - MM/YYYY)

Part D: Employment History	
List in chronological order your last two employers within the last 5 years.	
Employer's Name Pomp's Tire Service	
Employer's Address 1123 Cedar St	Dates Employed (MM/YYYY - MM/YYYY) 08/2011-07/2023
Employer's Name Schenck SC	
Employer's Address 2200 Riverside Dr	Dates Employed (MM/YYYY - MM/YYYY) 09/2002-07/2011

Part E: Criminal History	
1. Have you ever been convicted of any offenses (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.	
Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Are charges for any offenses currently pending against you (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.	

Part F: Questions		
1. Have you lived in any state other than Wisconsin as an adult? If yes, please list them in the space below. If no, continue to question 2. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
2. How long have you continuously lived in Wisconsin prior to the date of application?	Years 45	Months 7
3. Do you hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g. brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets as needed. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Part G: Attestation	
READ CAREFULLY BEFORE SIGNING: I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.	
Signature	Date 7.27.23

Approved Denied
 By: 7/31/23
 Ashwaubenon Public Safety

Date
07/28/23

Form
AT-103

Alcohol Beverage License Application Supplemental Questionnaire

This form must be submitted to the municipal clerk, and be accompanied by one or more of the following forms: AT-104, AT-106, AT-108, AT-115, or AT-200. One Form AT-103 must be completed by each person involved in the applicant business or parent company including:

- sole proprietor
- all officers, directors, and agent of a corporation or nonprofit organization
- all partners of a partnership
- managing members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Supplemental Questionnaires are submitted.

Part A: Premises/Business Information	
1. Registered Entity Name (or individual name if sole proprietor)	J Squared Capital LLC
2. Trade Name or DBA	Ridgeview Liquor
3. Entity Type (check one)	
<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Partnership
<input checked="" type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Corporation
<input type="checkbox"/> Nonprofit Organization	

Part B: Individual Information			
1. Name (Last, First, M.I.) Kowaleski, Joshua, K			
2. Relationship to Registered Entity (Title) Partner	3. Email [REDACTED]	4. Phone [REDACTED]	
5. Home Address 2133 Woodcrest Dr.			
6. City Green Bay	7. State WI	8. Zip Code 54304	9. Date of Birth [REDACTED]
10. Drivers License/State ID Number [REDACTED]		11. Drivers License/State ID State of Issuance WI	

Part C: Address History	
List in chronological order your last two residence addresses within the last 5 years.	
Previous Address 1	
Previous City, State, Zip	Dates (MM/YYYY - MM/YYYY)
Previous Address 2	
Previous City, State, Zip	Dates (MM/YYYY - MM/YYYY)

Part D: Employment History	
List in chronological order your last two employers within the last 5 years.	
Employer's Name Aurora Health Care	
Employer's Address 2845 Greenbrier Rd. Green Bay, WI 54311	Dates Employed (MM/YYYY - MM/YYYY) 05/2008-07/2023
Employer's Name	
Employer's Address	Dates Employed (MM/YYYY - MM/YYYY)

Part E: Criminal History

1. Have you ever been convicted of any offenses (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? Yes No

If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.

Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No

2. Are charges for any offenses currently pending against you (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? Yes No

If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.

Part F: Questions

1. Have you lived in any state other than Wisconsin as an adult? If yes, please list them in the space below. If no, continue to question 2. Yes No

2. How long have you continuously lived in Wisconsin prior to the date of application?

Years	Months
45	9

3. Do you hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g. brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets as needed. Yes No

Part G: Attestation

READ CAREFULLY BEFORE SIGNING: I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature	Date
<i>Ash Kawachi</i>	7/28/23

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 an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of Ashwaubenon County of Brown
 City

The undersigned duly authorized officer/member/manager of J Squared Capital 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 Ridgeview Liquor
(Trade Name)

located at 2202 S. Ridge Rd. Ashwaubenon, WI 54304

appoints Joshua Kowaleski
(Name of Appointed Agent)
2133 Woodcrest Dr. Green Bay, WI 54304
(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?

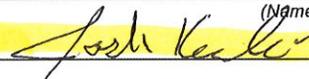
Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

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? 45Yrs 9M

Place of residence last year 2133 Woodcrest Dr. Green Bay, WI 54304

For: J Squared Capital LLC
(Name of Corporation / Organization / Limited Liability Company)

By: 
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, Joshua Kowaleski, 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.

 7/28/23 Agent's age
(Signature of Agent) (Date)
2133 Woodcrest Dr. Green Bay, WI 54304 Date of birth
(Home Address of Agent)

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 7/31/23 by  Title Chief
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)



WISCONSIN DEPARTMENT OF REVENUE
 PO BOX 8902
 MADISON, WI 53708-8902

Contact Information:

2135 RIMROCK RD PO BOX 8902
 MADISON, WI 53708-8902
 ph: 608-266-2776 fax: 608-224-5761
 email: DORBusinessTax@wisconsin.gov
 website: revenue.wi.gov

Letter ID L1488275408

J SQUARED CAPITAL
 2133 WOODCREST DR
 GREEN BAY WI 54304-1832

Wisconsin Department of Revenue Seller's Permit

Legal/real name: J SQUARED CAPITAL
Business name: RIDGEVIEW LIQUOR STORE
 2202 S RIDGE RD
 ASHWAUBENON WI 54304-4364

- This certificate confirms you are registered with the Wisconsin Department of Revenue and authorized in the business of selling tangible personal property and taxable services.
- You may not transfer this permit.
- This permit must be displayed at the place of business and is not valid at any other location.
- If your business is not operated from a fixed location, you must carry or display this permit at all events.

Tax Type	Account Type	Account Number
Sales & Use Tax	Seller's Permit	456-1031434996-04

ALCOHOL BEVERAGE LICENSE APPLICATION - STATEMENT OF INTENT

INSTRUCTIONS

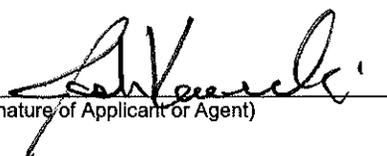
In order to apply for an alcohol beverage license in the Village of Ashwaubenon, the licensee or license agent must sign this Statement of Intent. This document allows the Village of Ashwaubenon to ensure that your license will be used within 90 days of its granting (or within 90 days of the start of the license year for renewal applications).

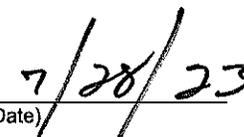
If you are applying for a new license and construction or remodeling activities will prevent you from operating within 90 days of the granting of the license, please sign below and attach written documentation outlining the duration of such activities and the anticipated first date of operation under the license applied for. The Village Board will then review your request for additional time. If granted, the time granted by the Village Board shall be substituted for the 90 days.

STATEMENT OF INTENT

The undersigned applicant for an alcohol beverage license hereby agrees to begin operation of the proposed establishment pursuant to the alcohol beverage license applied for within 90 calendar days of the final approval of the application by the Village of Ashwaubenon Village Board. The undersigned agrees that if the alcohol beverage license applied for is not issued or operation under the license does not begin within such time, the license shall be considered surrendered to the Village of Ashwaubenon without the need for further action or proceeding. The Village of Ashwaubenon may then grant the license to another applicant.

Under penalty provided by law, the signer states that the above statement has been truthfully provided to the best of the knowledge of the signer. Any inaccurate or untruthful answer may be grounds for denial of the application. Signer agrees to operate this business according to law and observe the provisions of the Ashwaubenon Municipal Code.


(Signature of Applicant or Agent)


(Date)



Public Works & Protection Committee

August 8, 2023

Agenda No. 7.d

Department: Clerk
Initiator: Kris Teske
Category: Action Item
Appearance: Yes

Action on Class "B" Beer/"Class A" Liquor License Request for Lala's Cafe and Catering dba Lala's Cafe and Catering

FULL EXPLANATION: Lala's Cafe and Catering dba Lala's Cafe and Catering is requesting approval of a Class "B" Beer/"Class B" Liquor License for 2052 Holmgren Way. This is the former T. Bacon's BBQ who had a Class "B" Beer and a "Class C" Wine License for their restaurant. They will be getting a provisional liquor license for a Class "B" Beer and a "Class C" Wine License until the Village Board makes the final determination on August 22, 2023. This is contingent upon all paperwork and corresponding fees having been filed accordingly. A representative will be in attendance.

MONETARY IMPACT: N/A

BUDGETED: N/A

RECOMMENDATION: N/A

ATTACHMENTS:

- [Lala's Cafe and Catering_Redacted.pdf](#)

Form AT-106

Original Alcohol Beverage License Application

FOR CLERKS ONLY	
Municipality	
License Period	

License(s) Requested

- Class "A" Beer \$ _____
- Class "B" Beer \$ _____
- "Class C" Wine \$ _____
- Reserve "Class B" Liquor \$ _____
- "Class A" Liquor \$ _____
- "Class B" Liquor \$ _____
- "Class A" Liquor (Cider Only) \$ _____
- "Class B" (Wine Only) Winery \$ _____

License Fees	\$
Publication Fee	\$
Background Check	\$
Total Fees	\$

Part A: Premises/Business Information

1. Legal Business Name (registered entity name or individual's name if sole proprietorship)
Lala's Cafe and Catering

2. Trade Name or DBA

3. Premises Address
2052 Holmgren Way

4. County **Brown** 5. Municipality **Ashwaubenon** 6. Aldermanic District

7. Mailing Address (if different from premises address)
9617 Oakwood Dr Green Bay WI 54304

8. FEIN **93-2493214** 9. Wisconsin Seller's Permit Number **456-1031475908-04**

10. Premises Phone **(920)562-5943** 11. Premises Email **oraliaquintana0630@hotmail.com**

12. Entity Type (check one)
 Sole Proprietor Partnership Limited Liability Company Corporation Nonprofit Organization

13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe 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 in this application. Attach additional sheets if necessary.

Premise description includes the entirety of the dining room, coolers, and kitchen. Further, the description includes the entirety of the parking lot 137' x 36' x 62' utilized for three days surrounding any Packers, Lambeau Field or Brown County Veterans Memorial Complex events, as well as other special events as authorized by the Chief of Public Safety (diagram on file).

Part B: Questions

1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate. Yes No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? Yes No
If yes, please explain using the space below. Attach additional sheets if necessary.

RECEIVED
JUL 24 2023
VILLAGE CLERK
ASHWAUBENON

Part C: For Corporate/LLC Applicants Only

1. State of Registration: Wisconsin 2. Date of Registration: 7/21/2023

3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors Yes No

Name of Parent Company: _____ FEIN of Parent Company: _____

4. Does the parent company or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? Yes No
If yes, please explain using the space below. Attach additional sheets if necessary.

5. Agent's Last Name: Quintana Patino Agent's First Name: Enrique

Part D: Individual Information

A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone
<u>Quintana</u>	<u>Oralia</u>	<u>Owner</u>	[REDACTED]

Part E: Attestation

Who must sign this application?
 sole proprietor one general partner of a partnership one corporate officer one managing member of an LLC

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature: [Signature] Date: 7/21/2023

Name (Last, First, M.I.): Quintana Patino, Enrique

Title: Owner Email: [REDACTED] Phone: [REDACTED]

Part F: For Clerk Use Only

Date application was filed with clerk	Date reported to governing body	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		

Date

Form AT-103

Alcohol Beverage License Application Supplemental Questionnaire

This form must be submitted to the municipal clerk, and be accompanied by one or more of the following forms: AT-104, AT-106, AT-108, AT-115, or AT-200. One Form AT-103 must be completed by each person involved in the applicant business or parent company including:

- sole proprietor
- all partners of a partnership
- all officers, directors, and agent of a corporation or nonprofit organization
- managing members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Supplemental Questionnaires are submitted.

Part A: Premises/Business Information

1. Registered Entity Name (or individual name if sole proprietor)
Lala's Cafe and Catering

2. Trade Name or DBA

3. Entity Type (check one)
 Sole Proprietor Partnership Limited Liability Company Corporation Nonprofit Organization

Part B: Individual Information

1. Name (Last, First, M.I.)
Quintana Oralia

2. Relationship to Registered Entity (Title) 3. Email 4. Phone

5. Home Address
2617 Oakwood Dr.

6. City 7. State 8. Zip Code 9. Date of Birth
Green Bay WI 54304

10. Drivers License/State ID Number 11. Drivers License/State ID State of Issuance

Part C: Address History

List in chronological order your last two residence addresses within the last 5 years.

Previous Address 1

Previous City, State, Zip Dates (MM/YYYY - MM/YYYY)

Previous Address 2

Previous City, State, Zip Dates (MM/YYYY - MM/YYYY)

Part D: Employment History

List in chronological order your last two employers within the last 5 years.

Employer's Name
Margarita's Mexican Restaurant

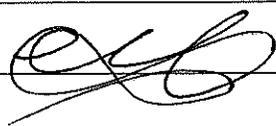
Employer's Address Dates Employed (MM/YYYY - MM/YYYY)
1241 Lombardi Acces RD. 12-15-2005-2023

Employer's Name

Employer's Address Dates Employed (MM/YYYY - MM/YYYY)

Part E: Criminal History	
1. Have you ever been convicted of any offenses (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.	
Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Are charges for any offenses currently pending against you (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.	

Part F: Questions		
1. Have you lived in any state other than Wisconsin as an adult? If yes, please list them in the space below. If no, continue to question 2. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
2. How long have you continuously lived in Wisconsin prior to the date of application?	Years 24	Months 0
3. Do you hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g. brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets as needed. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Part G: Attestation	
READ CAREFULLY BEFORE SIGNING: I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.	
Signature 	Date 07-21-23

Form AT-103

Alcohol Beverage License Application Supplemental Questionnaire

This form must be submitted to the municipal clerk, and be accompanied by one or more of the following forms: AT-104, AT-106, AT-108, AT-115, or AT-200. One Form AT-103 must be completed by each person involved in the applicant business or parent company including:

- sole proprietor
• all partners of a partnership
• all officers, directors, and agent of a corporation or nonprofit organization
• managing members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Supplemental Questionnaires are submitted.

Part A: Premises/Business Information
1. Registered Entity Name (or individual name if sole proprietor)
Lala's Cafe & Catering
2. Trade Name or DBA
3. Entity Type (check one)
[] Sole Proprietor [] Partnership [X] Limited Liability Company [] Corporation [] Nonprofit Organization

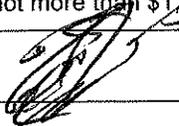
Part B: Individual Information
1. Name (Last, First, M.I.)
Quintana Pating, Enrique
2. Relationship to Registered Entity (Title)
Owner
3. Email
4. Phone
5. Home Address
2117 Oakwood Dr.
6. City
Green Bay
7. State
WI
8. Zip Code
54304
10. Drivers License/State ID Number
11. Drivers License/State ID State of Issuance
Wisconsin

Part C: Address History
List in chronological order your last two residence addresses within the last 5 years.
Previous Address 1
Previous City, State, Zip
Dates (MM/YYYY - MM/YYYY)
Previous Address 2
Previous City, State, Zip
Dates (MM/YYYY - MM/YYYY)

Part D: Employment History
List in chronological order your last two employers within the last 5 years.
Employer's Name
Julie's Cafe
Employer's Address
2130 Velp Ave
Dates Employed (MM/YYYY - MM/YYYY)
06/2004 - 06/2023
Employer's Name
Employer's Address
Dates Employed (MM/YYYY - MM/YYYY)

Part E: Criminal History	
1. Have you ever been convicted of any offenses (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.	
Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Are charges for any offenses currently pending against you (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.	

Part F: Questions		
1. Have you lived in any state other than Wisconsin as an adult? If yes, please list them in the space below. If no, continue to question 2. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
2. How long have you continuously lived in Wisconsin prior to the date of application?	Years 33	Months 0
3. Do you hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g. brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets as needed. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Part G: Attestation	
READ CAREFULLY BEFORE SIGNING: I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.	
Signature 	Date 7/21/2023

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 an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of Ashwaubenon County of Brown
 City

The undersigned duly authorized officer/member/manager of Lala's Cafe and Catering
(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 Lala's Cafe and catering
(Trade Name)

located at 2052 Holmgren Way

appoints Enrique Quintana Patino
(Name of Appointed Agent)
2617 Oakwood Dr. Green Bay, WI 54304
(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).

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? 33 years

Place of residence last year 2617 Oakwood Dr Green Bay, WI 54304

For: Lala's Cafe and Catering
(Name of Corporation / Organization / Limited Liability Company)

By: 
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, Enrique Quintana Patino, 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.

 7/24/23
(Signature of Agent) (Date)

Agent's age 
Date of birth 

2617 Oakwood Dr.
(Home Address of Agent)

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 _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

ALCOHOL BEVERAGE LICENSE APPLICATION - STATEMENT OF INTENT

INSTRUCTIONS

In order to apply for an alcohol beverage license in the Village of Ashwaubenon, the licensee or license agent must sign this Statement of Intent. This document allows the Village of Ashwaubenon to ensure that your license will be used within 90 days of its granting (or within 90 days of the start of the license year for renewal applications).

If you are applying for a new license and construction or remodeling activities will prevent you from operating within 90 days of the granting of the license, please sign below and attach written documentation outlining the duration of such activities and the anticipated first date of operation under the license applied for. The Village Board will then review your request for additional time. If granted, the time granted by the Village Board shall be substituted for the 90 days.

STATEMENT OF INTENT

The undersigned applicant for an alcohol beverage license hereby agrees to begin operation of the proposed establishment pursuant to the alcohol beverage license applied for within 90 calendar days of the final approval of the application by the Village of Ashwaubenon Village Board. The undersigned agrees that if the alcohol beverage license applied for is not issued or operation under the license does not begin within such time, the license shall be considered surrendered to the Village of Ashwaubenon without the need for further action or proceeding. The Village of Ashwaubenon may then grant the license to another applicant.

Under penalty provided by law, the signer states that the above statement has been truthfully provided to the best of the knowledge of the signer. Any inaccurate or untruthful answer may be grounds for denial of the application. Signer agrees to operate this business according to law and observe the provisions of the Ashwaubenon Municipal Code.



(Signature of Applicant or Agent)

7/24/23

(Date)



WISCONSIN DEPARTMENT OF REVENUE
PO BOX 8902
MADISON, WI 53708-8902

Contact Information:

2135 RIMROCK RD PO BOX 8902
MADISON, WI 53708-8902
ph: 608-266-2776 fax: 608-224-5761
email: DORBusinessTax@wisconsin.gov
website: revenue.wi.gov

Letter ID L1240922064

ENRIQUE AND ORALIA QUINTANA
LALA'S CAFE AND CATERING
2052 HOLMGREN WAY
ASHWAUBENON WI 54304-4550

Wisconsin Department of Revenue Seller's Permit

Legal/real name: LALA'S CAFE AND CATERING
Business name: LALA'S CAFE AND CATERING
2052 HOLMGREN WAY
ASHWAUBENON WI 54304-4550

- This certificate confirms you are registered with the Wisconsin Department of Revenue and authorized in the business of selling tangible personal property and taxable services.
 - You may not transfer this permit.
-
- This permit must be displayed at the place of business and is not valid at any other location.
 - If your business is not operated from a fixed location, you must carry or display this permit at all events.

Tax Type

Account Type

Account Number

Sales & Use Tax

Seller's Permit

456-1031475908-04

 **IRS** DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 07-21-2023

Employer Identification Number:
93-2493214

Form: SS-4

Number of this notice: CP 575 A

LALAS CAFE AND CATERING LLC
ENRIQUE QUINTANA PATINO MBR
2617 OAKWOOD DR
GREEN BAY, WI 54304

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 93-2493214. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

Based on the information received from you or your representative, you must file the following forms by the dates shown.

Form 941	10/31/2023
Form 940	01/31/2024
Form 1065	03/15/2024

If you have questions about the forms or the due dates shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification (corporation, partnership, etc.) based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2020-1, 2020-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

IMPORTANT INFORMATION FOR S CORPORATION ELECTION:

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S, U.S. Income Tax Return for an S Corporation, must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, *Election by a Small Business Corporation*.

Office

Storage
Cooler
Beer

Cooler
Beer

Exit

Parking lot

Dinning

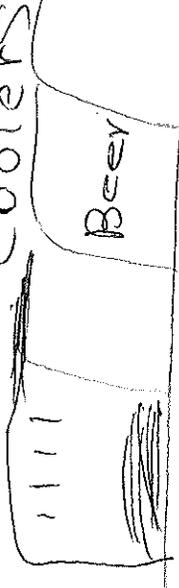
Dinning

Kitchen



Soda Coolers

Beer

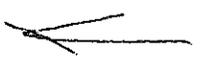


Parking Lot

Dinning

Entrance

Parking Lot





Public Works & Protection Committee

August 8, 2023

Agenda No. 7.e

Department: Administration

Initiator: Joel Gregozeski

Category: Action Item

Appearance: No

Consider/Discuss/Act on Draft Operator License Approval Policy.

FULL EXPLANATION:

In order to provide for an effective and consistent system of alcohol operator licensing approvals that protects the public's health, safety, and welfare and is applied in a uniform and equitable manner, the Village Administration is recommending the Village adopt the attached written policy to govern the granting of operators' licenses pursuant to Chapter 125 of the Wisconsin Statutes, and Chapter 3, Article 2 of the Village's Municipal Code.

Attached is a rough policy draft for the Committee's consideration and recommendation. In addition to the attached draft policy, included is the Wisconsin Department of Revenue's Fact Sheet 3104 outlining the qualifications for obtaining an operator's license. Lastly, attached is the League of Wisconsin Municipalities legal opinion regarding the operator's licenses.

MONETARY IMPACT: None.

BUDGETED: N/A

RECOMMENDATION: Staff is recommending the Village Board adopt an Operator License Approval Policy. If the Public Works & Protection Committee is in agreement, the following motion may be made: ***"Motion to recommend to the Village Board to adopt the Operator License Approval as presented (or amended)."***

ATTACHMENTS:

- [2023.7.03 - Operator License Policy Guidelines \(DRAFT\).pdf](#)
- [3104OperatorsLicenses.pdf](#)
- [Intoxicating Liquors 890R1 FEA Limitations on Use of Arrest and Conviction Records.pdf](#)



Village of Ashwaubenon

2155 Holmgren Way • Ashwaubenon, WI 54304

Phone: (920) 492-2303 • Fax: (920) 492-2328

Ashwaubenon.gov

OPERATOR LICENSE APPROVAL POLICY

SECTION 1: Policy Purpose

In order to provide for an effective and consistent system of alcohol licensing that protects the public safety and is applied in a uniform and equitable manner, the Village Board has adopted the following written policy to govern the granting of operators' licenses pursuant to Chapter 125 of the Wisconsin Statutes, and Chapter 3, Article 2 of the Village's Municipal Code.

SECTION 2: Acknowledgment of Duties.

The Village of Ashwaubenon acknowledges and recognizes the responsibility operators have to keep the public safe in their duties. An operator's license will enable operators to sell alcohol on a Class A premise (alcohol is carried off the premise. Examples include: a gas station, liquor store, or grocery store.) or a Class B premise (alcohol consumed on the property such as a tavern or bar). A liquor license holder, an agent, or a licensed operator must be on the premises at all times the business is open and alcohol is being sold. The licensed operator is in charge of the premise, and has certain responsibilities that include, but are not limited to:

- A. Preventing the sale of alcohol to minors. The legal drinking age is 21, and sales of alcohol to underage patrons is prohibited.
- B. Prohibiting the service or sale of alcohol to a person who is intoxicated. Operators are legally entitled, and required, to refuse to serve or sell to any person whom they feel has had too much to drink.
- C. Ensuring open intoxicants do not leave the property.
- D. Class "B" premises must be closed between 2:00 am and 6:00 am Mon-Friday, and 2:30 am and 6:00 am Sat. & Sun. No beer carry-out between 12:00 am and 6:00 am. No liquor carry out between 9 pm and 8 am. Everyone except employees on duty must be out of the store or bar by closing time. Private parties, friends, or spouses are not allowed to stay on the premises while staff completes cleaning duties.
- E. Class "A" premises may not sell fermented malt beverages between the hours of 10:00 pm and 8:00 am Mon-Thursday, and 12:00 am and 8:00 am Friday-Sunday.
- F. "Class A" premises may not sell intoxicating liquors between the hours of 9:00 pm and 8:00 am.

SECTION 3: Process.

- A. The Village Clerk's office shall take the application and fee. The office shall do an initial review of the application to ensure the application is complete pursuant to the

requirements in Chapter 3 of the Municipal Code. The fee collected is non-refundable. Incomplete applications will not be accepted.

The Public Safety Department will conduct a records check, including criminal and traffic, of all applicants for operators' licenses. If necessary, the records check may include an interview with the applicant or contact with other jurisdictions or third parties to verify or investigate information obtained in the records check. Applicants must provide all requested information on the operator license application. Applications with missing or incomplete information regarding arrests and convictions in accordance with Section 4 shall be denied in accordance with guideline 5 of section 4. Corrected applications shall be re-assessed the application fee if the Committee allows the applicant to submit a corrected application and recommend granting of the license if the applicant is otherwise qualified under guideline 5 (C) of section 4.

- B. The Chief of Public Safety, or the Public Safety Chief's designee, shall provide a recommendation for approval or denial using the criteria listed in section 4.
- C. All recommendations for approval will be routed back to the administration office to be issued by the Village Clerk.
- D. All applicants recommended for denial shall be provided with written notice from the Village Clerk's office stating the reasons for denial and a copy of Municipal Code 3-2-130 ©. The notice shall also indicate the applicant may appeal the denial to the Public Works & Protection Committee in writing.
- E. Upon written notice of appeal, the Village Clerk shall forward the license application and any related materials to the Committee. The Public Works & Protection Committee shall provide a review of the application as listed in Section 5.
- F. The committee shall, after interview of the applicant, make a recommendation to either grant or deny an operator's license to the Village Board.
- G. The Village Board shall review the application and recommendation from the Public Works & Protection Committee and make a final determination to grant or deny the license.
- H. An applicant who is denied any license may apply to the circuit court pursuant to WI Statutes 125.12(2)(D).

SECTION 4: Criteria for Denial

The Chief of Public Safety, or designee, shall provide a review of the criminal history of the applicant, and refer the arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322, and 111.335, and Wis. Stats. § 125.12(1)(b) to the Public Works & Protection Committee for further review and possible recommendation for denial. Due to the discretionary nature of the alcohol beverage license process, it is not possible to state every circumstance that may result in denial of a license application and what circumstances will result in approval of a license application. However, it is possible to enumerate what the Committee will consider in making its recommendation and what circumstances are more likely to result in a denial of a license application. It is also important to note denying an operator's license does not prohibit the employee from serving/selling alcohol; however, it does require that they serve/sell with a licensed operator on the premise.

Guideline 1: Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of a felony, unless duly pardoned, does not qualify for an operator's license. Sec. 125.04(5)(b), Wis. Stats. (To the extent the other guidelines reference a specific offense, this guideline shall apply if the offense constitutes a felony.).

Guideline 2: If a licensee is convicted of an offense substantially related to the licensed activity.

Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of or has a current charge pending, for (1) or more offenses within the last five (5) years or for two (2) or more offenses, arising out of separate incidents, within the last ten (10) years in the following subcategories, does not qualify for an operator's license:

- (a) Violent crimes against the person of another, including but not limited to battery, disorderly conduct, sexual assault, injury by negligent use of a vehicle, intimidation of victim or witness.
- (b) Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, resisting or obstructing a Public Safety officer, bribery of public officers/employees, eluding Public Safety, bail jumping, hit and run, perjury, or acts/threats of terrorism.
- (c) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; maintaining a drug trafficking place; possessing with intent to manufacture, distribute, or deliver a controlled substance or a controlled substance analog. Sec. 111.335(1)(cs), Wis. Stats.

Guideline 3: Provided the circumstances substantially relate to the circumstances of the job, any person who has been convicted of or has a current charge pending, for one (1) or more offenses, arising out of separate incidents, within the last two (2) years immediately preceding the license application in the following subcategories does not qualify for an operator’s license:

- (a) Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Ashwaubenon Municipal Code Ch. 3 - excluding administrative violations such as “failure to post license under glass”).
- (b) Operating a motor vehicle with a prohibited alcohol concentration (PAC) in excess of .08% by weight.
- (c) Open intoxicants in public places or in a motor vehicle.
- (d) Possessing a controlled substance, controlled substance analog without a valid prescription, or possessing drug paraphernalia.
- (e) Operating a motor vehicle while under the influence of intoxicants or drugs.
- (f) Disorderly conduct, criminal damage to property, solicitation of prostitution, or other prostitution-related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.

Guideline 4: Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who is a habitual law offender does not qualify for an operator’s license. Sec. 125.04(5)(b), Wis. Stats.

What is a “habitual law offender?” The term “habitual” refers to multiple convictions or pending charges and could include an offender with two (2) offenses occurring within a relatively short period of time. The term “offender” refers to a person with civil violations such as ordinance convictions and/or misdemeanor convictions (or pending charges), which substantially relate to the licensing activity.

For purposes of these guidelines, a habitual offender includes, but is not limited to a person who has committed:

- (a) Two (2) or more offenses, each a separate incident, within the immediately preceding one (1) year.
- (b) Three (3) or more offenses, each a separate incident, within the immediately preceding five (5) years.
- (c) Four (4) or more offenses, each a separate incident, within the preceding ten (10) years.

Guideline 5. Applicants must truthfully and completely fill out applications.

- (a) If an applicant who knowingly provides material false information on an application, that application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one (1) year from the date of denial of such application.
- (b) If the Committee determines that information was intentionally omitted from an application, the application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one (1) year from the date of denial of such application.
- (c) If the Committee determines that information was omitted from an application due to inadvertence, mistake, or excusable neglect, the Committee may allow the applicant to submit a corrected application and recommend granting of the license if the applicant is otherwise qualified.

Additionally, because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two or more offenses that are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.

DRAFT

Section 5: Public Works & Protection Committee Review of Applications.

The Public Works & Protection Committee shall be responsible for conducting further review of operator's license applications that have criteria from Section 4 as recommended for denial. The committee shall be expected to thoroughly and conscientiously review license applications and consistently apply pertinent laws and ordinances.

The Public Works & Protection Committee may recommend approval of an operator's license application if the applicant presents the Committee with substantial evidence in the form of credible documentation of rehabilitation. Such evidence could include letters of recommendation from Alcohol and Other Drug ("AODA") counselors, probation agents, or other relevant service providers, other professional counselors, certificates and/or letters confirming satisfactory completion of an AODA or other relevant counseling program. Any such letters shall be on the letterhead of the agency offering the recommendation in order for the letter to be considered credible evidence of rehabilitation.

Pursuant to Wis. Stats. § 111.335(4)(d), competent evidence of rehabilitation and fitness to perform the licensed activity may be established by production of any of the following:

- (a) The individual's most recent certified copy of a Federal Department of Defense form DD-214 showing the person's honorable discharge, or separation under honorable conditions, from the U.S. armed forces for military service rendered following conviction for any offense that would otherwise disqualify the individual from the license sought, except that the discharge form is not competent evidence of sufficient rehabilitation and fitness to perform the licensed activity if the individual was convicted of any misdemeanor or felony subsequent to the date of the honorable discharge or separation from military service.
- (b) A copy of the local, state, or federal release document; and either a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or other evidence that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime along with evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.

In addition to the documentary evidence that may be provided above to show sufficient rehabilitation and fitness to perform the licensed activity, the Committee shall consider any of the following evidence presented by the applicant:

- (a) Evidence of the nature and seriousness of any offense of which he or she was convicted.
- (b) Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense.
- (c) The age of the individual at the time the offense was committed.
- (d) The length of time that has elapsed since the offense was committed.
- (e) Letters of reference by persons who have been in contact with the individual since the

applicant's release from any local, state, or federal correctional institution.

(f) All other relevant evidence of rehabilitation and present fitness presented.

The Committee shall decide how much weight and credibility to assign to any evidence of rehabilitation, including but not limited to, whether a record is certified, whether evidence has been corroborated or verified, documentary proof of completion of any counseling or other relevant treatment, and the credibility of statements by the applicant or any witness. In determining the credibility of any statement made by the applicant or any witness, the Committee should consider, among other things, the reasonableness of the statement, possible motives for providing false statements or withholding information, the applicant or witness's conduct and demeanor, the clearness or lack of clearness of the statement, and the cooperation of the applicant or witness in answering any questions posed by the Committee or Village Staff.

For license renewals, a previous determination by the Committee that an applicant has been rehabilitated from certain offenses carries forward; however, these offenses may be re-considered if the applicant has also committed a new offense substantially related to the licensed activity during the current license period.

The Committee shall state reasons for approval or denial for the record.

Possible outcomes include but are not limited to:

1. Recommend approval of the license based on the applicant providing credible evidence of rehabilitation.
2. Recommend application be tabled for a period of 31 days. The Committee will re-review application at that time. Applicant should be prepared to provide substantial evidence of rehabilitation.
3. Recommend application be denied based on violation of guideline (insert relevant guideline and corresponding ordinance reference).
4. If the applicant fails to appear: recommend the application be placed on file without prejudice (meaning the application can be brought back at any time before the expiration of the license period).

Operators' Licenses Alcohol Beverage Laws Fact Sheet 3104

revenue.wi.gov

This fact sheet provides information about operators' licenses and when they are required. An operator's license, often called a "bartender's license," is issued to an individual to serve alcohol beverages at a retail licensed/permitted premises.

Qualifications for Obtaining an Operator's License

Applicants for operators' licenses must meet the following qualifications:

- The applicant must be at least 18 years of age when the license is issued. The applicant is not required to be a Wisconsin resident.
- Subject to Wisconsin's Fair Employment Law, ch. 111, Wis. Stats., the applicant must not have been convicted of a felony or be a habitual law offender. Wisconsin's Fair Employment Law prohibits the denial of a license based on a pending arrest or conviction record unless the record substantially relates to the licensing activity.
- The applicant must have successfully completed an approved responsible beverage server training course. A [list of approved courses](#) is available at revenue.wi.gov.

Applicants are not required to complete the training course if they are renewing an existing operator's license, have completed the training course within the last two years, or have held a retail license, manager's license, or operator's license anywhere in Wisconsin within the last two years.

- An application for an operator's license must be made in writing to the municipality where the applicant intends to serve alcohol beverages.
- The applicant must pay any fee established by the municipality for the operator's license, if applicable.

Validity of Operator's Licenses

An operator's license is valid only in the municipality where issued, but it may be used at any premises within that municipality. There is no county or statewide operator's license. However, an operator's license from any municipality may be used on a permitted vessel (boat).

An operator's license may be issued for one or two years, as determined by the governing body of the issuing municipality. Operator's licenses in first class cities (City of Milwaukee) expire on December 31 and on June 30 for all other municipalities.

Required Supervision of Retail Licensed/Permitted Premises

While open for business, a retail licensed/permitted premises must have **one** of the following persons present:

- The licensee (if the licensee is an individual)

- If the licensee is an individual, an adult member of the licensee's immediate family who resides in the licensee's household
- If the licensee is a corporation or limited liability company, the agent appointed for the alcohol beverage license or permit
- The holder of a valid provisional operator's license
- The holder of a valid operator's or manager's license

A Class "A" licensed premises is not required to have one of the persons listed above on the premises between 12 midnight and 6 a.m.

Retail licensees/permittees may be prosecuted for not having one of the persons listed above on their premises.

An adult working under the immediate supervision of any of the above does not need an operator's license. Immediate supervision means that the licensed person must be able to watch and supervise each unlicensed person's actions. The licensed person must be in the same room or areas as the unlicensed person, near enough to see and talk to him or her, and able to actually supervise the unlicensed person.

Any Questions?

If you are unable to find an answer to your question about alcohol beverage laws on the department's website, email, write, or call the department.

Visit our website: revenue.wi.gov
Email: DORAlcoholTobaccoEnforcement@wisconsin.gov
Write: Wisconsin Department of Revenue
Alcohol & Tobacco Enforcement
P.O. Box 8933
Madison, WI 53708-8933
Telephone: 608-266-6701
Fax: 608-261-7049

Last updated August 20, 2018

FEA LIMITATIONS ON USE OF ARREST & CONVICTION RECORDS IN EMPLOYMENT AND LICENSING DECISIONS

By: Claire Silverman, Legal Counsel

Wisconsin's Fair Employment Act (FEA) prohibits discrimination in licensing and employment against individuals on a number of bases, including age, race, creed, disability, marital status, sex, sexual orientation, national origin and arrest or conviction record.¹

This legal comment is an updated and revised version of a legal comment written by former League Legal Counsel James Schneider, which appeared in the April 1991 issue of *the Municipality*.

The legislature enacted the law to protect the rights of all individuals to obtain gainful employment, free from employment discrimination, and to encourage employers to evaluate employees or applicants based on individual qualifications rather than on a particular class to which the individual may belong.²

This legal comment focuses exclusively on FEA limitations on use of arrest and conviction records. This is a frequent source of questions for League attorneys. It arises sometimes in the context of municipal employment, but more frequently in the licensing context – specifically, when persons with arrest or conviction records apply for alcohol beverage licenses or operator (bartender) licenses.

This comment provides a general explanation of the FEA as it relates to the use of arrest and conviction records, and then examines the issue in more detail in the context of alcohol beverage licensing.

ARREST AND CONVICTION RECORDS UNDER THE FEA

Under Wisconsin's FEA, "arrest record" is statutorily defined as including information that an individual was "questioned, apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor or other offense pursuant to any law enforcement or military authority."³ "Conviction record" is statutorily defined as including "information that an individual has been convicted of any felony, misdemeanor or other offense, has been adjudicated delinquent, has been less than honorably discharged, or has been placed on probation, fined, imprisoned, placed on extended supervision or paroled pursuant to any law enforcement or military authority."⁴ Ordinance violations are considered "offenses" under the arrest and conviction law.⁵

*see Fair Employment
continued on page 12*

1. Wisconsin's Fair Employment Law is found in Wis. Stat. secs. 111.31 through 111.395.
2. Wis. Stat. sec. 111.31(1) and (2).
3. Wis. Stat. sec. 111.32(1).
4. Wis. Stat. sec. 111.32(3).
5. *State v. City of Oak Creek*, 139 Wis.2d 788, 407 N.W.2d 901 (1987).

see *Fair Employment from page 11*

Under the FEA, it is employment discrimination to refuse to hire, employ, admit or license any individual, to bar or terminate from employment or discriminate against any individual in promotion, compensation or in terms, conditions or privileges of employment on the basis of arrest or conviction record.⁶ It is also employment discrimination to print or circulate any statement, advertisement or publication, or use any employment application form or make any inquiry which implies or expresses any limita-

tion, specification or discrimination with respect to an individual because of arrest or conviction record.⁷

However, there are important exceptions to these general limitations. With regard to **arrest** records, an employer or licensing authority may not request an individual to supply information regarding any arrest record, except a pending charge. However, an employer may request such information if the individual's employment depends upon bondability, either because bondability is required by law or by the established business practice of the employer.⁸ If there is a pend-

ing charge, it is not discrimination to refuse to employ or license, or to suspend from employment or licensing, an individual if the "circumstances of the charge substantially relate to the circumstances of the particular job or licensed activity."⁹ The quoted language has been interpreted by the courts and will be discussed below.

With regard to **conviction** records, employers and licensing authorities may request information on convictions.¹⁰ It is not discrimination to refuse to employ or license, or bar or terminate from employment or licensing, an individual who

6. Wis. Stat. sec. 111.325 and 111.322(1).
7. Wis. Stat. sec. 111.322(2).
8. Wis. Stat. sec. 111.335(1)(a).
9. Wis. Stat. sec. 111.335(1)(b).

10. *Miller Brewing Co. v. Dept. of Ind., Labor & Human Relations*, 103 Wis.2d 496, 308 N.W.2d 922 (Ct. App. 1981).

"has been convicted of a felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity..."¹¹ Additionally, it is not discrimination to refuse to hire or license, or to bar or terminate from employment or licensing, an individual who is not bondable because of a conviction record if bondability is required by law or the established business practice of the employer.

Thus, one key difference between arrest and conviction records is that information on a past arrest record (*i.e.* other than pending charges) cannot be requested unless bondability is required. Another is that the law specifies that a pending arrest can justify **suspension**, whereas a conviction record can justify **termination**. It therefore appears questionable whether a person may be terminated from employment or licensing on the basis of an arrest, while employed or licensed, that does not result in conviction, unless bondability is required and the person would no longer be bondable.

It should be noted that a court has ruled that it is not discrimination on the basis of an arrest record to discharge an employee based on the employer's own investigation and questioning of the employee. *City of Onalaska v. Labor & Ind. Rev. Comm'n*, 120 Wis.2d 363, 354 N.W.2d 223 (Ct. App. 1984). In that case a police trainee was discharged for car racing based upon the city's own investigation. The discharge was upheld, even though the person was subsequently

found not guilty of the charge. In reaching this decision the court distinguished between the third-party information obtained from an arrest record and internal generated information.

THE SUBSTANTIAL RELATIONSHIP TEST

Both the arrest and conviction record provisions allow employment or licensing actions to be taken which would otherwise be discriminatory, such as refusal to hire or license, where the circumstances of the offense or pending charge "substantially relate" to the circumstances of the job or licensed activity.

The substantial relationship test was discussed in *Milwaukee County v. Labor & Ind. Rev. Comm'n*, 139 Wis.2d 805, 407 N.W.2d 908 (1987). In that case, the Wisconsin Supreme Court upheld the firing of a person hired as a "crisis intervention specialist" on the ground that his criminal convictions arising from his conduct as a nursing home administrator were substantially related to the circumstances of the subsequent job as crisis intervention specialist.

In upholding the firing, the court reversed the lower courts' affirmation of the Labor and Industry Review Commission's (LIRC's) ruling which distinguished between the crisis intervention specialist duties, involving direct contact with clients, and the administrative duties which formed the basis for the convictions. The court embarked upon an in-depth analysis of the substantial relationship test, and examined to what extent

the circumstances of the offense should be looked into. The court rejected an interpretation of the test "which would require, in all cases, a detailed inquiry into the facts of the offense and the job."¹² Rather, "it is the circumstances which foster criminal activity that are important, *e.g.*, the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person."¹³ The court further explained that assessing the "fostering" circumstances might require factual exposition depending on the nature of the offense. Disorderly conduct, for example, is a broad offense which is not as explicit as sexual assault, armed robbery, etc. The factual inquiry would be to determine "relevant, general, character-related circumstances of the offense or job." The court characterized these types of facts as "general facts."¹⁴

The court noted the dictionary definition of "circumstance" as meaning more than simply a fact, and encompassing the meaning of "an essential or inevitable concomitant."¹⁵ As an example, the court reasoned that an essential concomitant of armed robbery is the propensity of the robber to use force to accomplish the thievery. The court characterized this type of circumstance as what the legislature had in mind in setting forth the circumstance test. Furthermore, in applying the test, the court noted that a "full blown factual hearing is not only unnecessary, it is impractical."¹⁶

*see Fair Employment
continued on page 14*

11. Wis. Stat. sec. 111.335(1)(c).

12. *Milwaukee County v. Labor & Ind. Rev. Comm'n*, 139 Wis.2d at ____, 407 N.W.2d at 916.

13. *Id.*

14. *Id.*

15. *Id.*, 407 N.W.2d at 916-917.

16. *Id.*, 407 N.W.2d at 917.



FAIR EMPLOYMENT

LAW PROHIBITS

DISCRIMINATION

AGAINST

EMPLOYEES AND

APPLICANTS ON

THE BASIS OF

ARREST AND

CONVICTION

RECORDS.”

see *Fair Employment*
from page 13

In rejecting LIRC's conclusion that the offenses related to the person's failures as an administrator and not as a direct care worker, the court reasoned that the responsibilities for both jobs "extended to a group of people similarly situated so that neglect or dereliction of duties in either job would likely have similar consequences."¹⁷ The court agreed with the county's analysis that the criminal convictions indicated a pattern of neglect for the welfare of vulnerable people.

As is often the case, it is easier to state the law than it is to apply it. Indeed, in a concurring opinion, Justice Abrahamson voiced her concern that the decision might lead to "describing the circumstances of the offense at a high level of generality" which could result in labeling individuals with criminal records as "anti-social" types fit to hold few jobs.¹⁸ Municipalities should resist this temptation.

**ARREST AND CONVICTION RECORDS
UNDER CH. 125**

More often than not, the questions concerning arrest and conviction records that are directed to League attorneys relate to alcohol beverage licensing. The above discussion is applicable to the area of alcohol beverage licensing, but there are additional statutory provisions dealing

with this matter in chapter 125 of the Wisconsin Statutes.

Section 125.04(5)(a)1 provides that licenses and permits related to alcohol beverages may be issued only to persons who do not "have an arrest or conviction record, subject to ss. 111.321, 111.322, 111.335 and 125.12(1)(b)"¹⁹ This suggests that **any** record of a pending charge or **any** record of a single ordinance violation or misdemeanor or felony conviction that meets the substantial relationship test would require the municipality to withhold issuance of a license. However, a further provision, section 125.04(5)(b), states that, "No license or permit related to alcohol beverages may, subject to ss. 111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned." Thus, it is arguable that while one felony meeting the substantial relationship test will result in non-licensure, for other offenses, such as misdemeanors and civil offenses such as ordinance violations, the person would have to be a "habitual offender."

The term "offender" as used in sec. 125.04(5)(b) does not necessarily require an arrest or conviction record. *State v. City of Oak Creek*, 139 Wis.2d 788, 407 N.W.2d 901 (1987). In *Oak Creek*, the Wisconsin Supreme Court upheld nonrenewal of an alcohol beverage license where the licensee had, under a grant of

17. *Id.*

18. *Id.*, 407 N.W.2d at 919.

19. These references are to the Fair Employment Act and the reference to 125.12(1)(b) is an additional legislative limitation prohibiting consideration of convictions of specific offenses related to video gambling machines on licensed premises and consideration of offenses relating to the sale of alcohol to underage persons under sec. 125.07(1) unless there has been a certain number of violations within a certain time period.

immunity, testified that he had violated the drug laws on several occasions. However, this case should be narrowly applied. Although what is required is that the fact of violations can be shown,²⁰ it is doubtful whether a municipality in alcohol beverage licensing can rely merely on its own investigation of a person as the basis for its action, as in the *Onalaska* case cited earlier. A licensing decision should be based on a pending arrest record, a conviction record, or the applicant's sworn testimony. To refuse to license based on a conclusion of wrongdoing unsupported by such a record would seem to go back to an earlier "good moral character" requirement which no longer exists.²¹ It should be noted, however, that corporate agents must have a satisfactory "character, record and reputation,"²² so that the existence of an arrest record, conviction record or sworn testimony is apparently not necessary for a refusal to license an agent.

The *Oak Creek* case also touched on another issue of interest — how many offenses are needed to consider a person a habitual offender. In that case the court's inquiry focused primarily on the term "offender" rather than the term "habitual." Although the court did characterize a habitual offender as one who "has committed several offenses or has repeatedly violated the law,"²³ the facts involved someone who had admitted to several offenses. Therefore, the court's decision should not be interpreted to

mean that someone who has committed two offenses within a relatively short time period is not a habitual offender. It seems likely that a person who, for example, has two alcohol-related disorderly conduct convictions within the last couple of years could be considered a habitual offender under the alcohol beverage licensing laws.

League attorneys are often asked whether arrests or convictions for particular offenses substantially relate to a license issued under chapter 125, thus warranting denial or nonrenewal of a license or suspension or revocation. Unfortunately, there are few black and white answers. In a few instances, the legislature has determined that an offense is substantially related (*e.g.*, sec. 111.335(1)(cs) provides that it is not discrimination to deny a license based on conviction of certain drug offenses) or that a license cannot be suspended or revoked for a particular violation unless a certain number of violations exist within a certain time period (*i.e.*, sale to underage persons under 125.07(1)(b)). Generally speaking, however, whether a conviction or arrest record is substantially related depends upon the relationship asserted and whether it appears to be legitimately related to the licensing activity or is just a generalized type of assertion like that warned against by Justice Abrahamson in the *Milwaukee County* case discussed earlier (*i.e.*, an assertion that someone who has committed an offense

is an "anti-social type" and shouldn't be dealing with the public). Some offenses are clearly related and you can feel quite comfortable denying (*i.e.*, offenses where alcohol was involved or impaired a person's judgment, possession or sale of controlled substances or controlled substance analogs,²⁴ violation of laws relating to alcohol or ch. 125). Other offenses (*e.g.*, armed robbery, disorderly conduct) are arguably related, but don't speak for themselves and therefore it will depend on the specific relationship asserted. For some offenses it will be more difficult to articulate a clear relationship between the offenses and the serving/sale of alcohol (*e.g.*, forgery).

CONCLUSION

Wisconsin's Fair Employment Law prohibits discrimination against employees and applicants on the basis of arrest and conviction records. Local officials must be careful in using arrest and conviction records when making employment and licensing decisions, to ensure that the decisions are made within lawful parameters. The law is somewhat confusing, can be difficult to apply, and must be applied on a case-by-case basis. We recommend that municipalities consult with their attorneys when these situations arise.

Employees 263R1 890R1
Intoxicating Liquors 980R1

20. *Oak Creek*, 407 N.W.2d at 905.

21. The "good moral character" requirement was in sec. 175.06(9) (1979 Wis. Stats).

22. Wis. Stat. sec. 125.04(6)(a)1.

23. 407 N.W.2d at 905.

24. The legislature has essentially performed the substantial relationship test and legislated that it is not employment discrimination because of conviction record to revoke, suspend or refuse to renew a license or permit under ch. 125 (the liquor licensing laws) if the person holding or applying for the license has been convicted of manufacturing, distributing, delivering or possessing with intent to manufacture, distribute or deliver a controlled substance or controlled substance analog. See Wis. Stat. sec. 111.335(1)(cs).



Public Works & Protection Committee

August 8, 2023

Agenda No. 7.f

Department: Legal Services

Initiator: Patrick Leigl

Category: Action Item

Appearance: No

Consider/Discuss/Act on Village of Ashwaubenon Ordinance Number 08-2-23, Amending the Prohibition of Loud and Unnecessary Noise

FULL EXPLANATION: The Department of Public Works requested a review of the Ashwaubenon municipal code noise ordinance exceptions. Currently the Village code prohibits loud, obnoxious, or unnecessary noise, and has minimal exceptions. A provision currently exists that all noise is prohibited between certain hours with the exception of an emergency, special event, or during an outdoor licensed activity.

Situations occasionally arise causing DPW staff/crew to work outside regular work hours. For example, depending on the project, it may be essential crews on a street project begin work earlier in the morning, or outside normal work hours. Additionally, in the event of an emergency Village staff may need to work at odd hours to immediately attend to the emergency, such as a fallen tree or power outage. These situations may prompt the need for equipment that could be in violation of the noise ordinance.

The proposed ordinance exempts Village staff/crew and its contractors from the noise limitations when deemed necessary and only as needed. The ordinance does not give absolute privilege to Village staff and its contractors to work at all hours of the day. The purpose is intended to exempt crews from the noise ordinance only when it is critical and necessary and during reasonable hours, unless an emergency exists.

MONETARY IMPACT: N/A

BUDGETED: N/A

RECOMMENDATION: Staff requests the Committee make the following motion: *"Motion to recommend approval of Ordinance No. 08-2-23, Amending the Prohibition of Loud and Unnecessary Noise."*

ATTACHMENTS:

- [08-2-23 Amending Loud & Unnecessary Noise.docx](#)

ORDINANCE NO. O8-2-23
AN ORDINANCE AMENDING SECTION 6, LOUD AND UNNECESSARY NOISE
PROHIBITED; APPLICABILITY, ARTICLE 1, MISCELLANEOUS OFFENSES, CHAPTER
9, CRIMINAL CODE OF THE VILLAGE OF ASHWAUBENON MUNICIPAL CODE

THE VILLAGE BOARD OF THE VILLAGE OF ASHWAUBENON DOES ORDAIN THAT
SECTION 9-1-6 BE AMENDED TO READ AS FOLLOWS:

SECTION 1. Article 1 – Miscellaneous Offenses

9-1-6: Loud and Unnecessary Noise Prohibited; Applicability

- (A) *Prohibited.* No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.
- (B) *Railroad Regulations Within the Village.* Except in emergencies or if public safety requires, no person, railroad company or locomotive engineer shall blow, sound or cause to be blown or sounded any whistle or horn on any locomotive within the Village of Ashwaubenon's Quiet Zone that has been approved by the Federal Railroad Administration as of September 20, 2005, all within the corporate limits of the village, where railroad and street intersections have been constructed in such a manner that includes safety safeguards including but not limited to two quadrant gates, medians and channelized directional traffic at each crossing, cantilever warning lights, advance warning signs and pavement marking to wit: the Fox Valley & Western Ltd. Wisconsin Central Division of the Canadian National Railroad track line from Ashwaubenon Creek to Lombardi Avenue, i.e., village municipal limits.
- (C) *Applicability.*
1. This section shall apply to any sound which would include, but not limited to, squealing of tires, whistling, yelling, music, bells, horns, engine exhaust, engine motor sound, vehicle in need of repair, radios or loud speakers, construction or demolition, animal sounds, sporting events, including landscaping and lawn maintenance equipment within a residential zoning classification.
 2. As used in this section, the term "unreasonable" means having or showing little sense of good judgment, not rational, excessive, injuring or endangering safety, any noise that causes damage to a property. "Unnecessary" means unusually loud, annoying, disturbing, unnatural or alternative methods are available producing less noise.
 3. No noise shall be made between the hours of 10:00 p.m. to 7:00 a.m. that can be heard from a distance of 100 feet or outside the originating property line, whichever is least. During all other times, no noise that is unreasonable or unnecessary that tends to cause or provoke a

disturbance may be made. This Section shall not apply to any emergency, Village approved Special Event, or outdoor licensed area under Section 3-2-92 (6).

The following shall be created:

(D) *Exemptions.* The provisions of this section shall not be applicable to the following activities.

1. Village construction sites; municipal utility projects. Provided that noise production shall be minimized through proper equipment operation and maintenance and occurs during reasonable hours.
2. Village public works operations; Village vehicles and equipment and its contractors. Provided the noise production for maintenance and operations projects shall be minimized through proper equipment operation and maintenance and occurs during reasonable hours.
3. Emergency operations. Temporary emergency operations for the public protection and welfare. Such emergency operations may include, but not limited to snow/ice emergencies and removal, water utility repair, street utility and street repair, electrical outages, and objects that would impede or obstruct traffic.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

This ordinance was adopted by the Village of Ashwaubenon Board of Trustees on the 22nd day of August 2023.

VILLAGE OF ASHWAUBENON, WISCONSIN

By: _____
Mary Kardoskee, Village President

ATTEST:

Kris Teske, Clerk

{SEAL}

Ordinance No. O8-2-23
Amending Loud and Unnecessary Noise

Motion to Approve/Deny Ordinance No. O8-2-23 made by: Votes:

Title	Name		Aye	Nay	Other
Trustee (Wards 1 & 2)	K. Servais				
Trustee (Wards 3 & 4)	G. Paul				
Trustee (Wards 5 & 6)	C. Zirbel				
Trustee (Wards 7 & 8)	C. Atkinson				
Trustee (Wards 9 & 10)	J. Krueger				
Trustee (Wards 11 & 12)	T. Flucke				
President	M. Kardoskee				

Date of Publication: