

RECEIVED

DEC 02 2009

City of Menasha Administration Committee

CITY OF MENASHA
BY dg

Attn: City Clerk Deborah Galeazzi

140 Main Street

Menasha, WI 54952

I would like to appeal the police chief's decision to deny my application for an alcohol operators license. The reason given for the denial is two OWI convictions in the last seven years.

While this information is correct, I think it is relevant that December 9th 2009 is the seven year anniversary of my first OWI. I am sure that the committee has concerns about repeating this behavior in the future. I would like to offer some further information regarding this issue.

I have gone through quite a bit to put this last OWI charge behind me. Not only have I spent time in jail (a first for me), as well as some time under house arrest, I have also completed everything that has been asked of me in order to be compliant with the judges ruling. I have completed my assessment and the recommendation that I attended the Multiple Offenders Program at Fox Valley Tech, with my follow up session scheduled for 12/12/09, marking its completion. I have obtained an SR22 (and consequently increased insurance rates), as well as had an ignition interlock device installed in my vehicle in order to obtain my occupational drivers license, so I may continue my employment in Oshkosh. My fine is paid in full. After spending over \$4000 (without a lawyer fee), I can attest that this is an experience I never want to go through again. It has taken me some time to get over

the embarrassment and disappointment in myself for making a poor decision, and even longer to rebuild the trust of my loved ones. And while I can say very surely I will never allow myself to be put in a situation which results in an outcome of a DUI arrest, I am sure many who present before you argue the same. I do however have concrete tangible proof, at least in the short term, that this is not a possibility. In accordance with the judges ruling, I have an ignition interlock device in my car for the next 15 months. I would ask the committee for the opportunity to prove my intent.

Stacie Christie

Denied

CITY OF MENASHA
ALCOHOL OPERATORS LICENSE APPLICATION

Establishment of Employment Sliders Bar & Grill
SPECIAL EVENT PROVISIONAL (TEMP) REGULAR RENEWAL

Name CHRISTIE STAWI L
Last First Middle

Address 1502 1/2 Brighton Beach Rd Menasha WI 54952
Street City State/Zip Code

Phone _____ Social Security _____

Height 5'7 Weight 200 Eyes GR Hair BR Sex F Race CAU

Birth Date 3.18.1974 Age 35 Birthplace FDL

Scars, Marks, Tattoos inner back tattoo (2 fish)
Drivers License No. _____ State of Issue WI
Expiration Date 7.27.10

NOTE: A license may be denied if applicant fails to provide accurate information or if the information is incomplete! Please read this section carefully.

Have you ever been **charged** with a felony? No
Have you ever been **convicted** of a felony? No
Have you ever been convicted of a misdemeanor? Yes
Have you ever been convicted of operating a motor vehicle while under the influence of an intoxicant or drug? Yes
Have you ever been convicted of any law, statute or **ordinance** pertaining to the use of alcohol or illegal drugs? No

Please explain all **yes** answers completely on the back of this form!

SIGNATURE Christie Stawie Date 11.3.09

WITNESS _____ Date _____

Approved Denied Expiration Date _____
Chief of Police [Signature] Date 11/03/2009
Comments: 2 convictions in last 7 years

REVOKED FOR VIOLATION: _____

APPLICATION FEE WILL NOT BE RETURNED IF LICENSE IS DENIED.

RECEIVED DEC - 3 2009



Simple Search
Pay Fees Online

Advanced Search
View Cart (0 items)

Judgment Search
Links

Reports
Help

FAQs
Home

Wisconsin Circuit Court Access (WCCA)

[Previous](#) [Return to List](#) [Next](#)

[Printable Version \(PDF\)](#)

State of Wisconsin vs. Stacie L. Christie

Calumet County Case Number 2009CT000041

[What is RSS?](#)



Filing Date	Case Type	Case Status
03-11-2009	Criminal Traffic	Closed
Defendant Date of Birth	Address	
03-18-1974	1562 1/2 Brighton Beach Road, Menasha, WI 54952	
Branch Id	DA Case Number	
01	2009CA000183	

Court Record Events

- Ascending Date Order
- Descending Date Order

Charge(s)

Count No.	Statute	Description	Severity	Disposition
1	346.63(1)(a)	Operating While under Influence (2nd)	Misd. U	Guilty Due to No Contest Plea
2	346.63(1)(b)	Operating with PAC .08 or More (2nd)	Misd. U	Charge Dismissed but Read In

[View history and details of Charge\(s\)/Sentence\(s\)](#)

Defendant Owes the Court: \$ 123.00

Responsible Official	Prosecuting Agency	Prosecuting Attorney	Defense Attorney
Poppy, Donald	District Attorney	Froehlich, Jeffrey S.	

Defendant

Defendant Name	Date of Birth	Sex	Race ¹
Christie, Stacie L.	03-18-1974	Female	Caucasian
Address			Address Updated On
1562 1/2 Brighton Beach Road, Menasha, WI 54952			03-11-2009
JUSTIS ID	Finger Print ID		

Charge History

Citations

Citation J7483081

Bond Amount	Deposit Type	Appearance Date and Time	Mandatory
\$ 500.00	Signature Card	03-23-2009 at 09:30 am	Yes
Name	Date of Birth	Sex	
Christie, Stacie L.	03-18-1974	Female	
Address			Address Updated On
1562 1/2 Brighton Beach Road, Menasha, WI 54952			03-11-2009
Plate Number	State	Expiration	VIN
359DYH	WI	2009	

Issuing Agency	Officer Name	Violation Date	MPH Over
Appleton Emergency Center		02-05-2009	
Plaintiff Agency	Ordinance or Statute	Statute	Charge Description
State of Wisconsin	Statute	346.63(1)(a)	Operating While under Influence (2nd)
Severity			
Misd. U			

Citation J7483221

Bond Amount	Deposit Type	Appearance Date and Time	Mandatory
\$ 500.00	Signature Card	03-23-2009 at 09:30 am	Yes
Name		Date of Birth	Sex
Christie, Stacie L.		03-18-1974	Female
Address			Address Updated On
1562 1/2 Brighton Beach Road, Menasha, WI 54952			03-11-2009
Plate Number	State	Expiration	VIN
359DYH	WI	2009	
Issuing Agency	Officer Name	Violation Date	MPH Over
Appleton Emergency Center		02-05-2009	
Plaintiff Agency	Ordinance or Statute	Statute	Charge Description
State of Wisconsin	Statute	346.63(1)(b)	Operating with PAC .08 or More (2nd)
Severity			
Misd. U			

Total Receivables

Court Assessments	Adjustments ³	Paid to the Court	Probation/Other Agency Amount ⁴	Balance Due to Court	Due Date ⁵
\$ 1,093.00	\$ 0.00	\$ 970.00	\$ 0.00	\$ 123.00	05-23-2009

- ¹ The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.
- ² Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.
- ³ Includes collection agency fees; bankruptcy discharge of debt; Department of Revenue collection fees; and forgiven debts due to indigence, death, time served, or community service.
- ⁴ Some amounts assessed by the courts are collected by the Department of Corrections or other agencies. This column is rarely updated by the courts and may be less than the actual amount owed.
- ⁵ For cases with multiple assessments, the due date represents the assessment with the latest date.

[Previous](#) [Return to List](#) [Next](#)
[Printable Version \(PDF\)](#)

CITY OF MENASHA POLICY GUIDELINES FOR OPERATOR LICENSES

1. Intent: It is the responsibility of the Menasha Police Chief to screen applications for operators' licenses (bartender licenses) for the City of Menasha. The following guidelines are adopted in order to specify the reasons for denying, non-reviewing or revoking an operator's license and outlines the steps and considerations given, for any denials that are appealed to the Menasha Common Council.

All applications for operators' license applications are submitted to the Menasha Police Department for a background check. The Menasha Police Chief makes the decision on licensing by either accepting or rejecting the application.

*Due to the discretionary nature of the alcohol beverage licensing process, it is not possible to state every circumstance that may result in approval of a license application and what circumstances will result in approval of a license application. However, it is possible to enumerate what will be considered in the decision-making and what circumstances are more likely to result in the **denial** of a license application.*

Individuals granted an operator's license must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintain the safety of the community. Therefore, individuals with a past history of negative or uncooperative contacts with police agencies will be scrutinized.

It is with these goals in mind that these guidelines are adopted. Furthermore, to the extent that Wis. Statutes Ch. 125 or Menasha City Ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the Police Chief may also rely on such provisions.

In the event an individual with an operator's license is considered for non-renewal, suspension or revocation, all offenses will be considered, the circumstances of which are substantially related to the license regardless of whether some of the offenses occurred prior to the adoption of these guidelines.

Upon request, a copy of these guidelines shall be provided to each person who applies for a license.

Guidelines: What is meant by substantially related? The law does not specifically define this term although there are many court decisions on the topic. The Wisconsin Supreme Court has stated that the purpose of the test is to assess whether the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed. The "**substantially related**" test looks at the circumstances of an offense, where it happened, when, what, etc. compared to the circumstances of the licensed activity. Where does the licensed activity typically occur, when and what is involved in performing the licensed activity, etc.

Examples of “substantially related” in the context of an operator’s license: There is a substantial relationship between the illegal purchase, use and sale of controlled substances and engaging in bartending, which involves the purchase and sale of a closely regulated substance. The same is true for offenses involving alcohol, e.g. drunk driving, selling to underage, possession and/or consuming as an underage, committing law violations while under the influence of alcohol or drugs, etc.

- **Guideline 1.** Provided the offense is substantially related to the circumstances of the license activity, circumstances of the offense substantially relate to the circumstances of the job or licensed activity, **any person who has been convicted of any 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.** Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, **offense is substantially related to the circumstances of the licensed activity**, any person who has been convicted of or has a current charge pending, for two (2) or more offenses within the last seven (7) years or for two (2) or more offenses, arising out of separate incidents, within the last ten (7) years in the following subcategories, does not qualify for an operator’s license:
 - 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 a victim or witness.
 - Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, resisting or obstructing a police officer, bribery of public officers/employees, eluding police, bail jumping, hit and run, perjury, or acts/threats of terrorism.
 - 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)(c), Wis. Stats.
- **Guideline 3.** Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, offense is **substantially related to circumstances of the license activity**, any person who has been convicted of or has a current charge pending, for two (2) or more offenses, arising out of separate incidents, within the last five (7) years in the following subcategories, does not qualify for an operator’s license:
 - Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitutions-related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
 - Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Menasha City Ordinances).
 - Possessing a controlled substance, controlled substance analog without a valid prescription, or possessing drug paraphernalia.
 - Operating a motor vehicle while under the influence of intoxicants or drugs.

- Operating a motor vehicle with a prohibited alcohol concentration (PAC) in excess of .08% by weight.
- Open intoxicants in a public places or in a motor vehicle.

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. A legal opinion rendered by the League of Wisconsin Municipalities states that a person with two drunk driving convictions within the last couple years would be considered a habitual offender under the alcohol beverage licensing laws. Intoxicating Liquors #890 (1991). Some examples include:

- Two (2) or more offenses, each with a separate incident, within the immediately preceding one (1) year.
 - Three (3) or more offenses, each a separate incident, within the immediately preceding five (5) years.
 - Six (6) or more offenses, each a separate incident, within the preceding ten (10) years.
- **Guideline 4.** Applicants must truthfully and completely fill out applications:
 - If an applicant provides 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.
 - If the Police Chief 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 the denial of such application.
 - If the Police Chief determines that information was OMITTED from an application due to inadvertence, mistake or excusable neglect, the Chief may allow the applicant to submit a corrected application and recommend granting of the license, if the applicant is otherwise qualified.
 - **Guideline 5.** Recommending approval of an operator’s license application for an applicant who would otherwise be denied under these policy guidelines:
 - The Common Council may approve an operator’s license application if the application would otherwise be denied under this policy if the applicant presents substantial, credible evidence of rehabilitation. Such evidence includes 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. Any evidence must be in the form of documents submitted to the Common Council and may not be statements of the applicant at the time of the hearing.
 - The reason for any recommendation of approval of an operator’s license application under this paragraph must be clearly stated in the record.

- **Guideline 6.** If the Police Chief recommends denial of an operator's license application, the reasons for the denial must be clearly stated on the record and shall be consistent with the criteria outlines above.

APPEAL PROCESS FOR DENIED LICENSE APPLICATION.

If the Police Chief recommends denial of an operator's license application, the applicant has the right to file an appeal with the City Clerk within thirty (30) days and appear and be represented before the Common Council, to be heard, to present evidence in favor of the granting of the license, and to rebut the evidence presented in opposition to the granting of the license, at a hearing held within forty (40) days of the filing of such appeal.