

To: City of Menasha

From: Chris Fiedler
General Manager
Sliders Bar and Grill
890 Lake Park Road
Menasha, WI 54952
920-831-9550
920-427-4371 Cell

I am requesting a hearing for being denied my bartender license for the City of Menasha.

Can you please add me to the next council meeting so we can get to the root of this issue and get it resolved immediately?

I must add that I am able to obtain my license in Neenah, Appleton, Darboy and every surrounding city that I have talked with. I believe that if I was applying for the liquor license you might have justification but not for a bartender/operator license.

Thank you
Chris Fiedler



APR 1 2010

dg

Date: 03-04-10

To: Christopher D. Fiedler
943 Clovis Av.
Menasha, WI 54952

Re: City of Menasha Alcohol Operators License Application

Mr/Ms; Fiedler,

Chief Stanke, of the Menasha Police Department, did review your application for an Alcohol Operator's License. At this time, your request for an Alcohol Operator's license is being denied. Please note Guideline 3 of the City of Menasha Policy Guidelines for Operators Licenses.

If you wish to contest this decision, feel free to contact the City Clerk's Office at (920)967-3603 at which time you will be given a date in order to appeal this decision with the City Council.

Thank you,

Rhonda Scovronski
Records Division

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 seven (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 seven (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.

Incident Report

MENASHA POLICE DEPARTMENT
430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP04-002439

Incident Summary

Incident Type: ORDINANCE
Inc Occurred Address: 320 CHUTE ST, MENASHA, WISCONSIN 54952
Inc Occurred Start: 07/02/2004 16:21 Inc Occurred End: 07/02/2004 16:21
Domestic: N Bias Motivation: Gang Related: U
Other Agency: Reported Date/Time: 07/02/2004 16:27
Reporting Officer: Primary Assigned Officer:
Case Status: CLOSED Clearance: CLOSED BY ARREST - ADULT Clearance Date/Time: 07/06/2004 13:44
Jurisdiction:

Offenses

Statute Code: 7-2-3 Enhancers:
Statute Desc: LICENSE REQUIRED-ALCOHOL
Counts: 1 Statute Severity:

Officers

Event Association	Emp#	Badge#	Name	Squad#
	68	68	JAGLA, DAVID	

Associated Events

Association:	Event Type:	Event#:	Event Date (Start):	Event Date (End):	Agency:
ARREST TO INCIDENT	ARREST	MP04-002439	7/2/2004 16:21:00	7/2/2004 16:21:00	MP

List of Attachments

Type:	Report ID:	Report Date:	Report Summary:
PROPERTY/EVIDENCE FORM		07/02/2004 16:21	PROPERTY INVENTORY REPORT

Persons Involved

Person#: 0001 MNI: 722
Event Association: DEFENDANT Contact Date/Time: 07/02/2004 16:21
Name: FIEDLER, CHRISTOPHER D
DOB: Age: Sex: Race: WHITE
Height: 6' 0" - 6' 0" Weight: 200 - 200 lbs Eye Color: BLUE Hair Color: BROWN
Phone Type 1: HOME Phone# 1: (920) 720-9714 Ext 1:
Phone Type 2: BUSINESS Phone# 2: (920) 725-9601 Ext 2:
Occupation: BUSINESS OWNER Employer/School: GERMANIA HALL

Person address(es)

Address: HOME ADDRESS, 336 CHUTE ST, MENASHA, WISCONSIN 54952

Person Offenses

Statute Code: 7-2-3 Enhancers:
Statute Desc: LICENSE REQUIRED-ALCOHOL
Counts: 1

Parents/Guardians

Parent Name:
Address 1: Phone 1:
Address 2: Phone 2:
Parent Notified: N Parent Notified By: Notified Date/Time:

MENASHA POLICE DEPARTMENT
430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP04-002439

Businesses Involved

Business # 0001
Event Association: BUSINESS
Business Name: GERMANIA HALL
Business Type: BAR/TAVERN
Phone Type 1: BUSINESS Phone# 1: (920) 725-6901 Ext 1:
Phone Type 2: Phone# 2: Ext 2:

Business address(es)

Address: 320 CHUTE ST, MENASHA, WISCONSIN 54952

Property Involved

Property # 0001	Evidence: Yes	Evidence#: 04-2439DJ1
Event Assoc/Orig status: EVIDENCE	Original Status Date: 7/2/2004 16:21:00	Original Value:
Current Status: EVIDENCE	Current Status Date: 7/2/2004 16:21:00	Current Value:
Property Type: NONNEGOTIABLE INSTRUMENTS		
Description: GERMANIA V.I.P. GOLD CARD		
Make/Brand:	Model:	
Color: GOLD	Quantity: 1	
Serial/Lot#:	Owner Applied#:	
NCIC Date:	NCIC Reported By:	
NCIC#:	NCIC Cancelled:	

MENASHA POLICE DEPARTMENT
430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP04-002439

Narratives

ENTERED DATE/TIME: 7/2/2004 19:38:32
NARRATIVE TYPE: SUMMARY NARRATIVE
SUBJECT: SUMMARY
AUTHOR: JAGLA, DAVID

I was advised that the defendant did not have a valid liquor license, as his had expired, and the defendant advised city officials that he would be serving alcohol without a license during his Friday fish fry.

sb

ENTERED DATE/TIME: 7/2/2004 19:53:36
NARRATIVE TYPE: INITIAL NARRATIVE
SUBJECT: E68 DICTATION
AUTHOR: JAGLA, DAVID

On 07/02/04, I was asked by LT. SAHR to go to GERMANIA HALL after 4:00 p.m., to observe whether or not GERMANIA HALL was serving liquor and/or malt beverages this evening from there bar during their Friday night fish fry. I previously had been informed that GERMANIA's had been advised that they no longer have a liquor license, as the check that he had used to make payment to the city for that license had actually bounced. We further advised that GERMANIA had been advised in writing that they no longer had a liquor license and upon receipt of that letter, had informed other city officials that the owner, CHRISTOPHER FIEDLER, would be serving alcohol that night regardless of whether or not he had a license or not.

I arrived at GERMANIA's at approximately 4:15 p.m. Upon my arrival, I walked to the entrance door, where I observed a male party, who I believed, at the time, was the owner, CHRISTOPHER FIEDLER. As I approached him and was about to enter, he asked me to come back to his card table that he had set up and asked me or advised me that I needed to sign up as a member tonight to obtain any alcohol. I asked him what he meant by that and he indicated that if I were a member, I could obtain alcohol this evening. He then presented me with a Gold V.I.P. Card with the GERMANIA DINNER THEATER and BANQUET HALL inscribed on the front, along with this address and phone number. He also pointed out that at the bottom of the card, that if I ate 10 meals, I was receive the 11th for free. I did sign in on a yellow legal pad, which had a typed notice on the front of it; however, the wind was blowing and I was unable to read what it said. I did note that there was at least one other name on the yellow legal pad that I was signing my name on. I walked into the bar then and observed an elderly couple seated at the bar with two, what looked to be mixed drink glasses in front of them, along with a \$5.00 Bill. What remained in the glasses appeared to be a mix drink; however, it could have also been a glass of wine. It was in a typical high-ball drink glass. They also had straws lying next to their glasses. However, because I was unsure of the contents of those two glasses, I did seat myself at the bar, a female bartender came to me and asked me if she could get me anything and I advised her that I would like a Miller Light Tap Beer. I then asked her what this card was in reference to for these drinks and she looked at quite confused, and she had to ask another bartender, who was behind the bar with her if that was good for just tonight and he indicated that, yes,

MENASHA POLICE DEPARTMENT
430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP04-002439

they did need that tonight to obtain a drink. The female bartender then poured me a tap beer, set it in front of me, and charged me .75 for the drink. I picked up my change and asked where CHRIS FIEDLER was and she stated she believed he was outside by the front door.

I then went back outside, where I found CHRISTOPHER sitting at his card table chair. I identified myself to him as a Police Officer and he stated he knew who I was and knew that I was coming. I advised him that I was going to have to issue him a Summons for a violation of an ordinance. I asked him to step over to my unmarked squad, in which he did. I then identified him with a Wisconsin Driver's License, issued him a Summons in violation of City Ordinance 7-2-3, License Required. I explained to CHRIS his Court Date and stated he understood that. CHRIS' attitude towards me and the City in general was pretty poor. He seemed rather upset that the city would not convene a special meeting to grant him his liquor license when he requested that. I further advised CHRISTOPHER that it is my understanding that an officer was going to be stopping by approximately every hour to ascertain whether or not he is selling liquor and if they are, he was going to be issued another summons. He stated he understood that. I gave MR. FIEDLER his copy of the Summons and then left.

It should be noted that I did drive to BIGO's at 14 Tayco St. and found that they were closed at this time.

When I returned to the MENASHA POLICE DEPARTMENT, I did package and label the Gold V.I.P. Card as evidence and completed a Property Inventory Sheet, and placed that into evidence.

No further information.

sb

ENTERED DATE/TIME: 7/2/2004 20:21:05

NARRATIVE TYPE: SUPPLEMENTAL NARRATIVE

SUBJECT: E69 DICTATION

AUTHOR: JORGENSON, JEFF

On 07/02/04, I did brief with LT. SAHR and OFFICER JAGLA about checking the GERMANIA HALL and BIGOT's BAR/RESTAURANT, who potentially may be selling alcoholic beverages and not legally possess a license to do so.

At 5:42, I did arrive at GERMANIA HALL at 320 Chute St. in the City of Menasha. I approached the bar area and I observed everyone at the bar drinking a brown liquid from a call glass, which I assumed was soda. I checked the tables and was unable to find any beer, glasses, or bottles. At that point, I asked the bartender if I could have a beer this evening and he asked me if I was a police officer. I did state that I was a police officer and he indicated that they would not be serving any alcohol tonight, but that I could have an O'Doul's or a soda.

Shortly after, at about 5:45 p.m., I did check BIGOT's at 14 Tayco St. and found that they were still closed as

Incident Report

MENASHA POLICE DEPARTMENT
430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP04-002439

OFFICER JAGLA had indicated.

At 6:40 p.m., I again, arrived at GERMANIA HALL and checked the tables, noting the only thing on the tables were tall soda glasses and O'Doul's Beer Bottles. As I sat down to the bar, the bartender, who recognized me from earlier asked if he could get me an O'Doul's or a soda.

I shared this information with LT. SAHR and we both agreed that it appeared they would not be serving any alcohol, and we would re-verify that status much later in the night during the Night Shift.

No further information at this time.

sb

ENTERED DATE/TIME: 7/3/2004 18:55:57

NARRATIVE TYPE: SUPPLEMENTAL NARRATIVE

SUBJECT: E72'S DICTATION

AUTHOR: HANCHEK, ANGELA

At approximately 8:50 p.m., OFFICER TRALONGO and I responded to Germania Hall to check on whether or not they were selling alcohol without their liquor license. Upon arrival, the doors were locked, therefore upon driving away, the owner, CHRISTOPHER FIEDLER walked out from the back door, in which I advised him that we were just checking to see whether or not he was open and selling alcohol at this time. He stated he was closed and then added numerous sarcastic remarks as officers drove away.

We then continued to BIGGO's located at 14 Tayco Street, in which they were closed also. No further information.

caw

Incident Report

MENASHA POLICE DEPARTMENT
430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP07-000687

Incident Summary

Incident Type: ORDINANCE
Inc Occurred Address: 320 CHUTE ST, MENASHA, WISCONSIN 54952
Inc Occurred Start: 03/01/2007 12:09 Inc Occurred End: 03/01/2007 12:09
Domestic: N Bias Motivation: Gang Related: U
Other Agency: Reported Date/Time: 03/01/2007 12:09
Reporting Officer: SCHRAMPFER, MARTIN Primary Assigned Officer:
Case Status: CLOSED Clearance: ADULT SUMMONS/CITATION Clearance Date/Time: 03/02/2007 08:52
Jurisdiction:

Offenses

Statute Code: 7-2-20(A) Enhancers:
Statute Desc: OPERATOR'S LICENSE REQUIRED
Counts: 1 Statute Severity:

Officers

Event Association	Emp#	Badge#	Name	Squad#
PRIMARY REPORTING OFFICER	64	64	SCHRAMPFER, MARTIN	

Associated Events

Association:	Event Type:	Event#:	Event Date (Start):	Event Date (End):	Agency:
RELATED EVENT	INCIDENT	MP07-000686	3/1/2007 11:42:00	3/1/2007 11:42:00	MP
ARREST TO INCIDENT	ARREST	MP07-000687	3/1/2007 12:09:00	3/1/2007 12:09:00	MP

Persons Involved

Person#: 0001 MNI: 722
Event Association: DEFENDANT Contact Date/Time:
Name: FIEDLER, CHRISTOPHER D
DOB: Age: Sex: Race: WHITE
Height: 6' 0" - 6' 0" Weight: 200 - 200 lbs Eye Color: BLUE Hair Color: BROWN
Phone Type 1: CELL Phone# 1: (920) 313-0000 Ext 1:
Phone Type 2: BUSINESS Phone# 2: (920) 725-9601 Ext 2:
Occupation: BUSINESS OWNER Employer/School: GERMANIA HALL, 320 CHUTE ST, MENASHA

Person address(es)

Address: 336 CHUTE ST, MENASHA, WISCONSIN 54952

Person Offenses

Statute Code: 7-2-20(A) Enhancers:
Statute Desc: OPERATOR'S LICENSE REQUIRED
Counts: 1

MENASHA POLICE DEPARTMENT
430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP07-000687

Persons Involved

Person#: 0002 MNI: 101497
Event Association: OTHER Contact Date/Time:
Name:
DOB: Age: Sex: Race:
Height: Weight: Eye Color: Hair Color:
Phone Type 1: Phone# 1: Ext 1:
Phone Type 2: Phone# 2: Ext 2:
Occupation: Employer/School:

Person address(es)

Address:

Person#: 0003 MNI: 167847
Event Association: OTHER Contact Date/Time:
Name: ARNDT, MELISSA S
DOB: Age: Sex: Race:
Height: 5' 5" - 5' 5" Weight: 95 - 95 lbs Eye Color: BROWN Hair Color: BROWN
Phone Type 1: HOME Phone# 1: (920) 729-3544 Ext 1:
Phone Type 2: Phone# 2: Ext 2:
Occupation: Employer/School:

Person#: 0004 MNI: 44791
Event Association: OTHER Contact Date/Time:
Name: ARNDT, PATRICIA K
DOE Age: Sex: Race:
Height: 5' 0" - 5' 0" Weight: 95 - 95 lbs Eye Color: GREEN Hair Color: BLONDE
Phone Type 1: HOME Phone# 1: (920) 729-3544 Ext 1:
Phone Type 2: Phone# 2: Ext 2:
Occupation: Employer/School:

Person address(es)

Address:

Businesses Involved

Business # 0001
Event Association: BUSINESS
Business Name: GERMANIA HALL Business Type: BAR/TAVERN
Phone Type 1: BUSINESS Phone# 1: (920) 725-6901 Ext 1:
Phone Type 2: Phone# 2: Ext 2:

Business address(es)

Address: 320 CHUTE ST, MENASHA, WISCONSIN 54952

MENASHA POLICE DEPARTMENT
430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP07-000687

Narratives

ENTERED DATE/TIME: 3/1/2007 20:40:57
NARRATIVE TYPE: SUMMARY NARRATIVE
SUBJECT: SUMMARY
AUTHOR: SCHRAMPFER, MARTIN

While assisting the Department of Revenue agents, bar was found to be open without a licensed bartender on duty.

dk

ENTERED DATE/TIME: 3/1/2007 20:42:35
NARRATIVE TYPE: INITIAL NARRATIVE
SUBJECT: E64 DICTATION
AUTHOR: SCHRAMPFER, MARTIN

I was assigned by LT. HALDERSON to assist four agents from the State Department of Revenue in executing tax warrants at GERMANIA HALL. Two of the agents were from the tax area of the Department of Revenue, and the other two agents were from the alcohol enforcement division.

While we were at GERMANIA HALL, we identified three employees who were on duty working - they were

.....
....

MELISSA S. ARNDT

DOB:

PATRICIA K. ARNDT

DOB:

There were four customers sitting at tables in the general bar area having lunch. When one of the revenue agents asked who the licensed bartender was on duty, we were advised there was not one. They explained that CHRISTOPHER FIEDLER was due at the business in the near future and that he was the only one who would have a license that would be around today.

I did complete a municipal citation for having no licensed bartender on duty. It was issued to CHRISTOPHER FIEDLER who arrived 20 to 30 minutes after we had come on scene. The citation was given to him and

Printed by: rscovronski
Printed date/time: 3/2/10 15:18

Incident Report

Page 4 of 4

MENASHA POLICE DEPARTMENT
430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP07-000687

explained to him.

dk
