

CITY OF MENASHA
ALCOHOL OPERATORS LICENSE APPLICATION

Call

Establishment of Employment Blind Pig Saloon / Hotel Pub
SPECIAL EVENT PROVISIONAL (TEMP) REGULAR RENEWAL

Name Birling Christopher Paul
Last First Middle

Address 177 Main St. Apt. B7 Menasha WI 54957
Street City State/Zip Code

Phone _____ Social Security _____

Height 6' 2" Weight 185 Eyes Blue Hair Blonde Sex M Race W

Birth Date _____ Age _____ Birthplace _____

Scars, Marks, Tattoos Tattoo - Eagle left Arm

Drivers License No. B645-1158-2207-02 State of Issue WI

Expiration Date 06-07-2016

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

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

Have you ever been **charged** with a felony? Yes

Have you ever been **convicted** of a felony? Yes

Have you ever been convicted of a misdemeanor? No

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 or sale of alcohol or illegal drugs?
No

I UNDERSTAND THAT THE APPLICATION FEE WILL NOT BE RETURNED IF LICENSE IS DENIED.

SIGNATURE [Signature] Date 6/29/11

WITNESS _____ Date _____

Approved Denied Expiration Date _____

Chief of Police [Signature] Date 6-29-11

Comments: 2 prior DWS Conv. 2004, 2009
Felony Conviction.

REVOKED FOR VIOLATION: _____



MEMORANDUM

Date: July 14, 2011

To: Ronald Bouchard, Lieutenant of Investigations
From: Pamela A. *MC* Captain, City Attorney

RE: Alcohol Operator's License Application – Christopher P. Birling

The alcohol operator's license application of Mr. Birling has been forwarded to me for review as required by Sec. 7-2-21(b) of the City of Menasha code of ordinances due to a felony conviction that has not been pardoned.

On the application the applicant checked "yes" to the following questions: Have you ever been charged with a felony? Have you ever been convicted of a felony? Have you ever been convicted of operating a motor vehicle while under the influence of an intoxicant or drug? The applicant indicated on his application "felony – burglary party to a crime 2004 (fine); DUI 2004 (fine) and DUI 2009 (fine + 20 days on bracelet)."

Applicant's record is as follows:

2/22/2005	Burglary-Building or Dwelling (Felony F) Read in: Burglary-Building or Dwelling (Felony F) Charge modifier: Party to a Crime
1/28/2004	Operating while under influence (OWI)
10/8/2009	Operating while under influence (OWI 2 nd) (Misd. U)
2/23/2010	Operating after Revocation (Rev. due to alc/contr subst/refusal) (Misd. U)
6/21/2011	Operating after Revocation (Rev. due to alc/contr subst/refusal) (Misd. U)

Applicant has been convicted of several alcohol-related offenses since the issuance of his alcohol operator's license in July 2009. These offenses are directly related to the license for which applicant applies. Engaging in bartending involves the purchase and sale of a closely regulated substance. 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 maintaining the safety of the community. Applicant demonstrates that he is unable to follow the law.

In my opinion, based upon the facts as presented above as well as §125.04(5), Wis. Stats., this applicant's request for an alcohol operator's license should be denied.



City of Menasha • Police Department

Date: July 28, 2011

To: Christopher P. Birling
177 Main St. #B7
Menasha, WI 54952

Re: City of Menasha Alcohol Operators License Application

Mr. Birling,

I have reviewed your application for an alcohol operator's license in the City of Menasha, and in doing so, it was discovered you were previously convicted of a Felony.

As such, this matter has been referred to the City Attorney, Pamela Captain, for her review and opinion, and an opinion has been rendered by the City Attorney and I would like to note the following:

On February 22, 2005, you were found guilty of Party to a Crime of Burglary to a building or dwelling, which is a class F felony.

On January 28, 2004, you were found guilty of operating a motor vehicle while under the influence of an intoxicant.

On October 8, 2009, you were found guilty of operating a motor vehicle while under the influence of an intoxicant, second offense.

On February 23, 2010, you have a conviction of operating after revocation.

On June 21, 2011 you have a conviction of operating after revocation.

As an applicant, you have been convicted of several alcohol related offenses since the original issuance of your alcohol operator's license in July of 2009.

These offenses are directly related to the license for which you, as the applicant, applied. Engaging in bartending involves the purchase and sale of a closely regulated substance. The 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 peace, and maintaining the safety of the community. As an applicant, you have demonstrated that you are unable to follow the law.

Based upon these facts presented above, as well as the guidelines set forth in State Statute 125.04(5), your application for request for an operator's license is hereby denied.

I would like to further advise you that you may appeal this decision by contacting the Menasha City Clerk's Office at 920-967-3603 within 30 days of this denial to request an appeal before the common council. At this appeal you have the right to be represented and to be heard and to present evidence in favor of granting the license and to rebut the evidence presented in opposition to the granting of this license at a hearing held within 45 days of the filing of such appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Lt. Ron Bouchard". The signature is fluid and cursive, with a large loop at the end.

Lt. Ron Bouchard
Investigative Services
Menasha Police Department