



MEMORANDUM

Date: April 27, 2011

To: Robert Stanke, Chief of Police
From: Pamela A. Captain, City Attorney

RE: Alcohol Operator's License Application – Julie M. Riese

The alcohol operator's license application of Ms. Riese 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 "no" 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 any law, statute, or **ordinance** pertaining to the use or sale of **alcohol or illegal drugs**? An applicant is required to provide accurate and complete information when answering questions. This applicant failed to answer questions accurately and completely.

In fact, applicant was convicted of a felony, party to deliver controlled substances and sentenced to 4 years in prison on November 22, 1989. I spoke with Ms. Riese and asked her about the answers that she put down on the application to which she replied, to the effect, "I thought it was off my record. That was so long ago, I thought it was off my record."

According to §125.04(5), Wis. Stats., no license may, subject to §§111.321, 111.322 and 111.335, be issued to a person who has been convicted of a felony unless the person has been duly pardoned. In my opinion, based upon the facts as presented above as well as §125.04(5), Wis. Stats., the applicant could be issued a license. Although there is a relationship between the type of license applied for and the felony for which the applicant was convicted, the conviction occurred over 20 years ago and there are no other related convictions since then.

However, the applicant did fail to disclose on her application the fact that she had been convicted of a felony. The applicant did not provide a legitimate reason for her failure to disclose the information. There were 3 questions to which the applicant should have responded "yes" but she responded "no." The application does allow (in fact, requires) an applicant to explain "yes" answers. This applicant knew that she had been convicted of a felony, yet she failed to provide that information for consideration. Had the applicant answered truthfully, I would have recommended approval.

The applicant answered application questions untruthfully, therefore her request for an alcohol operator's license may be denied.

Need Call
by 1pm Tuesday

CITY OF MENASHA
ALCOHOL OPERATORS LICENSE APPLICATION

Establishment of Employment Southsider
SPECIAL EVENT PROVISIONAL (TEMP) REGULAR RENEWAL

Name Riese Julie M
Last First Middle

Address 1113 Geneva Rd. Menasha WI 54952
Street City State/Zip Code

Phone 920-738-7247 Social Security 77

Height _____ Weight _____ Eyes _____ Hair _____ Sex _____ Race _____

Birth Date _____ Age _____ Birthplace Appleton

Scars, Marks, Tattoos n/a
Drivers License No. _____ State of Issue WIS.
Expiration Date _____

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? No
Have you ever been convicted of a felony? No
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? No
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 Julie M. Riese Date 4/25/11

WITNESS _____ Date _____

Approved _____ Denied Expiration Date _____
Chief of Police Paul Hark Date 04/25/2011

Comments: Failure to not prior violation and felony offender

REVOKED FOR VIOLATION: _____