

CITY OF MENASHA
ALCOHOL OPERATORS LICENSE APPLICATION

Establishment of Employment Tonics, Jitters, R&R (nothing)
SPECIAL EVENT PROVISIONAL (TEMP) REGULAR RENEWAL

Name Delschlaeger Dolan L.
Last First Middle

Address 1117 S. Commercial St. # B Neenah, WI 54956
Street City State/Zip Code

Phone _____ Social Security _____

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

Birth Date _____ Age _____ Birthplace _____

Scars, Marks, Tattoos N/A

Drivers License No. _____ State of Issue WI

Expiration Date 6-11-2013

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!

Do you currently have any criminal charges pending against you? No

Have you ever been convicted of a felony? Yes

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 or sale of alcohol (including drinking alcohol underage)? Yes

Have you ever been convicted of any law, statute or ordinance pertaining to the possession, use or sale illegal drugs? No

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

SIGNATURE [Signature] Date 1-13-12

WITNESS _____ Date _____

Approved _____ Denied Expiration Date _____

Chief of Police [Signature] Date 3/9/12

Comments: 2/15/12 to City Atty for opinion - to be reviewed - to be reviewed

REVOKED FOR VIOLATION: _____

Please answer all yes questions from the front of this form completely! Include correct charges, date of offense, and sentence. Failure to include all information or inaccurate information may result in the denial of your application!

4, DWI. Convicted, 7-20-09 265 days jail

Disorderly Conduct, Convicted 10-8-09, 100.00 fine

OAR 2nd, Convicted 8-16-06, fine

3, DWI Convicted 9-24-04, jail 20 days

1st. OAR Convicted 9-24-04, fine

2nd DWI. Convicted 3-24-03 jail 7 days

True? Felony U, Convicted 12-8-95, 6 months jail

First DWI, Around 1996-1997 municipal fine
around 600.00

HTO for OAR, around 1993, 6 months jail



February 16, 2012

Dolan L. Oelschlaeger
1117 S. Commercial St., Apt. B
Neenah, WI 54956

Re: City of Menasha Alcohol Operator's License Application

Dear Mr. Oelschlaeger,

I have reviewed your application for an Alcohol Operator's License in the City of Menasha and in doing so I discovered you have felony conviction on your record. As such, this matter has been referred to city attorney Pamela Captain for further review. Upon her rendering a decision regarding this matter, I will further advise you as to the status of your Alcohol Operator's License at that time.

Sincerely,

Lt. Ron Bouchard
Investigative Services
City of Menasha Police Department

Cc: City Attorney Pam Captain



MEMORANDUM

Date: March 8, 2012

To: Ron Bouchard, Lieutenant of Operations

From: Pamela A. Captain, City Attorney

RE: Alcohol Operator's License Application – Dolan L. Oelschlaeger

The alcohol operator's license application of Dolan L. Oelschlaeger 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 convicted of a felony? Have you ever been convicted of a misdemeanor? Have you ever been convicted of operating a motor vehicle while under the influence of an intoxicant or drug? Have you ever been convicted of operating a motor vehicle while under the influence of an intoxicant or drug? Have you ever been convicted of any law, statute or ordinance pertaining to the use or sale of alcohol (including drinking alcohol underage)?

Applicant's (partial) record is reported by the State of Wisconsin Department of Justice as follows:

10/7/2009	Disorderly Conduct misdemeanor - Guilty
7/20/2009	Operating While Intoxicated (4 th offense) misdemeanor – Guilty
5/2/2006	Operating While Revoked (2 nd) misdemeanor - Guilty
9/22/2004	Operating While Under Influence (3 rd) misdemeanor – Guilty
9/22/2004	Operating While Revoked misdemeanor – Guilty
3/24/2003	Operating While Intoxicated (2 nd) misdemeanor – Guilty
2/11/1999	Operating While Intoxicated (1 st)
8/21/1995	Operating After Revocation as Habitual traffic offender misdemeanor - Guilty
12/4/1995	Theft felony – Guilty

Based upon the fact that the felony conviction occurred over 10 years ago, applicant served the sentence imposed and there is no direct nexus between the felony conviction and receiving an operator's license, this request for an operator's license would generally be recommended for approval.

However, applicant has multiple convictions for operating a motor vehicle while intoxicated, the most recent dated 7/20/2009, which convictions are substantially related to the license for which he applies

and which demonstrate his disregard for following the law. In addition, applicant has multiple convictions for operating with a revoked license also demonstrating applicant's disregard for following the law. Applicant also has a misdemeanor conviction for disorderly conduct.

Engaging in bartending involves the purchase and sale of a closely regulated substance - alcohol. 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.

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.

The applicant should be informed that this decision may be appealed to the City of Menasha Common Council for a due process hearing.



Date: March 9, 2012

To: Dolan L Oelschlaeger
1117 S Commercial St #B
Neenah, WI 54956

Re: City of Menasha Alcohol Operators License Application

Mr. Dolan Oelschlaeger

I have reviewed your application for an alcohol operator's license in the City of Menasha and in doing so it was discovered that you were previously convicted of a Felony. As such this matter had been referred to the City Attorney Pamela Captain, for her review and opinion. The opinion has been rendered by the City Attorney and I would like to note the following convictions:

On October 7, 2009- A misdemeanor Disorderly Conduct, you were found guilty.

On July 7, 2009- A misdemeanor Operating While Intoxicated, 4th offense, you were found guilty.

On May 2, 2006- A misdemeanor Operating While Revoked, 2nd offense, you were found guilty.

On September 22, 2004- A misdemeanor Operating While Under the Influence, 3rd offense, you were found guilty.

On September 22, 2004- A misdemeanor Operating While Revoked, you were found guilty.

On March 24, 2003- A misdemeanor Operating While Intoxicated, 2nd offense, you were found guilty.

On February 11, 1999- Operating While Intoxicated, 1st offense, you were found guilty.

On August 21, 1995- A misdemeanor Operating After Revocation as Habitual traffic offender, you were found guilty.

On December 4, 1995- A felony Theft, you were found guilty.

The City Attorney's opinion indicated that the Felony conviction occurred over 10 years ago and that you have served the sentence imposed and there is no direct nexus between the felony conviction and receiving an operator's license. It further indicated that generally this request for operator's license under this condition would be recommended for approval.

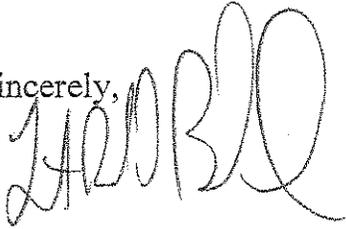
However it further notes that you have multiple convictions for operating a motor vehicle while intoxicated, the most recent dated July 20, 2009, which convictions are substantially related to the license for which you applied for and which demonstrates your disregard for following the law. In addition, you have multiple convictions for operating with a revoked license also demonstrating your disregard for following the law. You also have a misdemeanor for disorderly conduct.

Engaging in bartending involves the purchase and sale of a closely regulated substance-alcohol. 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.

Based upon these facts that have been presented as well as statute 125.04(5) of the Wisconsin Statute and the City of Menasha policy, your request for an Alcohol operator's license is 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 "RON BOUCHARD". The signature is written in a cursive, flowing style with large, connected letters.

Lt. Ron Bouchard
Investigative Services
Menasha Police Department