



To: Menasha Common Council  
From: Jenny Groeschel and Ginger Tralongo, Police Records  
RE: Beverage Operator License (Bartender) Applicants  
Date: November 2, 2016

The below individuals have applied for a bartender license to serve, dispense and/or sell alcohol at a licensed establishment within the City. They have all met the criteria under the "Guidelines for Operator Licenses" approved by the Common Council. Therefore, staff is recommending the following people be **APPROVED** for an Operator's License for the 2015-2017 licensing period:

Marissa Metko  
Joanne Easton  
Alyssa Kiernicki  
Ashley Solvang  
Sandy Boyer  
Chelsea Fisher

The following individual has applied for a bartender license to serve, dispense and/or sell alcohol at a licensed establishment in the City. They have not met the criteria under the "Guidelines for Operator Licenses" approved by the Common Council. Therefore, staff is recommending the following person be **DENIED** an Operator's License:

Ashley Wilz  
Caitlin Roper

cc: chief via email



October 31, 2016

Ashley N. Wilz  
356 Eighth St.  
Menasha, WI 54952

Re: City of Menasha Alcohol Operators License Application

Dear Ms. Wilz,

In conducting a background investigation on your Alcohol Operator's License application, I determined you have Juvenile Alcohol convictions for offenses on 07/04/2013, 07/13/2014 and 08/28/2014 In addition to an Underage Alcohol offense dated 04-24-2016. Under City of Menasha Policy Guidelines for Alcohol Operator Licenses, you do not qualify for a license because you have been convicted of these four offenses which exceed the City's guidelines of (3) or more offenses which substantially relate to the circumstances of an Alcohol Operators License holder within the last five years. Additionally you failed to disclose the three Juvenile Alcohol offenses on your application.

Holding an Alcohol Operators License involves the 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, drunken driving laws and assist with minimizing disturbances of the peace and maintaining the safety of the community. The incidents you have been convicted of, substantially relate to the license for which you have applied.

The Police Department is recommending to the Common Council that they deny your application for an Alcohol Operator's License within the City of Menasha. The recommendation will be given to the Common Council at their next meeting on November 7, 2016 at 6:00 p.m., or shortly thereafter. Should you wish to provide comment to the Common Council on your application, you may do so during the public participation portion of the meeting.

Sincerely,

Lt. Larry Bonnerille  
Investigative Services  
Menasha Police Department

CITY OF MENASHA  
ALCOHOL OPERATORS LICENSE APPLICATION

Establishment of Employment DOLLAR GENERAL  
SPECIAL EVENT \_\_\_\_\_ PROVISIONAL (TEMP)  REGULAR  RENEWAL \_\_\_\_\_

Name WITZ ASMEY W  
Last First Middle

Address 356 EIGHTH ST MENASHA 54952  
Street City State/Zip Code

Phone \_\_\_\_\_

Height \_\_\_\_\_ Weight \_\_\_\_\_ Eyes \_\_\_\_\_ Hair \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_

Birth Date \_\_\_\_\_ Age \_\_\_\_\_ Birthplace \_\_\_\_\_

Scars, Marks, Tattoos \_\_\_\_\_  
Drivers License No. \_\_\_\_\_ State of Issue WI  
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!

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

Have you ever been convicted of a felony? NO

Have you ever been convicted of a misdemeanor? ~~YES~~ 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 (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 ASMEY Date 10-27-16 entered

WITNESS \_\_\_\_\_ Date \_\_\_\_\_

Approved \_\_\_\_\_ Denied  Expiration Date \_\_\_\_\_

Chief of Police [Signature] Date 10-31-16

Comments: \_\_\_\_\_

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!

I was currently charged with MIP  
I am currently paying off my fines  
I haven't had anything to drink  
and haven't been charged with anything  
since then.



November 02, 2016

Caitlin Roper  
109 N. Eleventh St.  
Kaukauna, WI 54130

Re: City of Menasha Alcohol Operators License Application

Dear Ms. Roper,

In conducting a background investigation on your Alcohol Operator's License application, I determined you have Underage Alcohol convictions for offenses on 06/23/2012, and 06/26/2013. In addition to an Operating after Revocation-Alcohol Related and Speeding offense dated 01-20-2012. Under City of Menasha Policy Guidelines for Alcohol Operator Licenses, you do not qualify for a license because you have been convicted of these offenses which meet the City's guidelines of (3) or more offenses which substantially relate to the circumstances of an Alcohol Operators License holder within the last five years. Your recent driving record includes convictions for a speeding offense which occurred on 02/19/2016, a speeding offense which occurred on 11/28/2015 and another on 11/14/2015; you were also convicted of Failure to Obey Sign/Signal and License Not on Person for an offense on 01/10/2015. Going back further on your driving record you were convicted of Operating While Intoxicated Causing Injury for an offense on 09-05-2010. Your driving behavior demonstrates that you have a disregard for following the law.

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, drunken driving laws and assist with minimizing disturbances of the peace and maintaining the safety of the community. The incidents you have been convicted of, and your disregard for following the law, substantially relate to the license for which you have applied.

The Police Department is recommending to the Common Council that they deny your application for an Alcohol Operator's License within the City of Menasha. The recommendation will be given to the Common Council at their next meeting on November 7, 2016 at 6:00 p.m., or shortly thereafter. Should you wish to provide comment to the Common Council on your application, you may do so during the public participation portion of the meeting.

Sincerely,

Lt. Larry Bonneville  
Investigative Services  
Menasha Police Department

CITY OF MENASHA  
ALCOHOL OPERATORS LICENSE APPLICATION

Establishment of Employment Trailside TAVERN  
TEMPORARY PROVISIONAL REGULAR  RENEWAL

Name Roper Caitlin MARIE  
Last First Middle

Address 109 W. 11<sup>th</sup> St. KAUKAUNA WI, 54130  
Street City State/Zip Code

Phone \_\_\_\_\_  
Height \_\_\_\_\_ Weigh \_\_\_\_\_ Eyes \_\_\_\_\_ Hair \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_

Birth Date \_\_\_\_\_ Age \_\_\_\_\_ Birthplace \_\_\_\_\_

Scars, Marks, Tattoos \_\_\_\_\_  
Drivers License No \_\_\_\_\_ State of Issue WI  
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!  
Do you currently have any criminal charges pending against you? 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? 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 of illegal drugs? NO  
Have you ever been convicted of a criminal traffic offense? YES

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

SIGNATURE Caitlin Roper Date 11/1/16

Approved \_\_\_\_\_ Denied  Expiration Date \_\_\_\_\_  
Chief of Police A. Jay Bunkle Date 11-02-16

Comments: 3 offense w/ 5yrs and driving pattern show disregard for following laws!  
REVOKED FOR VIOLATION.

*Entered*

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!

When I was 16 I had a dui in Cashton, WI  
I was put on probation, had to pay retribution,  
& sit 30 days in jail.

I also had an operating after ~~stop~~ <sup>revocation</sup>  
~~but~~ I had 2 underage as well and paid a fine  
for those.

# 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.

- 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