



AGENDA
SPECIAL MEETING
Licensing/Permit Committee

625 52nd Street, Room 204
Monday, March 7, 2016
6:30 P.M.

Please note Room Change

Chairperson Curt Wilson
Vice-Chairperson Patrick Juliana

Aldersperson Kurt Wicklund
Aldersperson David Bogdala
Aldersperson G. John Ruffolo

Call to Order
Roll Call
Citizen Comments

NOTE: All licenses and permits are subject to withholding of issuance by the City Clerk as specified in Section 1.045 of the Code of General Ordinances

Regarding item 1, the Licensing/Permit Committee may go into Closed Session regarding this item, pursuant to §§19.85(1)(a) and (b), Wisconsin Statutes to deliberate about disciplinary cases which were subjects of quasi-judicial hearings before the Committee. The Licensing/Permit Committee may or may not reconvene into open session.

1. Findings of Fact, Conclusions of Law and Recommendation regarding the Class "B" Beer/"Class B" Liquor License and the Amusement & Recreation License of Brat Stop, Inc., d/b/a Brat Stop, (Norma Rasmussen, Agent, 12304 75th St.) (District 16) (Deferred from the meeting on February 29, 2016)

ALDERPERSONS' COMMENTS:

End of Meeting

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 262-653-4170 BY NOON BEFORE THIS MEETING TO MAKE ARRANGEMENTS FOR REASONABLE ON-SITE ACCOMMODATIONS.

**COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN
LICENSING/PERMIT COMMITTEE**

In The Matters Of:

**THE CLASS "B" BEER /"CLASS B" LIQUOR COMBINATION LICENSE
of BRAT STOP, INC., d/b/a BRAT STOP**

Norma Rasmussen, Agent
12304 75th Street
Kenosha, WI 53142

and

**THE AMUSEMENT & RECREATION ENTERPRISE LICENSE
Of BRAT STOP, INC., d/b/a BRAT STOP**

Norma Rasmussen, Agent
12304 75th Street
Kenosha, WI 53142

Findings of Fact, Conclusions of Law and Recommendation

The Complaint of the City Clerk/Treasurer for the City of Kenosha seeking the suspension or revocation of the above captioned licenses came before the License and Permit Committee on February 8, 2016.

The members of the Licensing/Permit Committee present for the hearing on February 8, 2016 were Chairman Curt Wilson, Patrick Juliana, David Bogdala, and Kurt Wicklund.

The Licensing/Permit Committee was represented by special counsel, Steven M. Cain.

The City Clerk/Treasurer was represented by Deputy City Attorney Matthew A. Knight.

The Licensee appeared by its Agent Norma Rasmussen and its Attorney Loren J. Keating.

NOW THEREFORE, based on the extensive testimony and evidence received at the hearing, the arguments of counsel for the City, the arguments of the Attorney for the Licensee, the stipulations of the parties, and the discussion by the members of the Licensing/Permit

Committee, the Licensing/Permit Committee of the Common Council of the City of Kenosha makes the following Findings of Fact, Conclusions of Law and Recommendation:

FINDINGS OF FACT

1. Norma Rasmussen, agent of Brat Stop, Inc., d/b/a Brat Stop, hereinafter “Licensee”, at all times mentioned herein, was and is an adult resident of the City of Kenosha, Wisconsin, and as of April 15, 2014, resided at 6042 – 41st Avenue, Kenosha, Wisconsin;

2. Licensee was initially granted a Class “B” Beer/“Class B” Liquor Combination License, hereinafter “License”, by the Common Council for the City of Kenosha, Wisconsin, hereinafter referred to as “Council”, pursuant to Chapter 10 of the Code of General Ordinances of the City of Kenosha, Wisconsin;

3. The Licensee has filed renewal applications for each successive year with its most recent renewal application for renewal of the Class “B” Beer/ “Class B” Liquor Combination License dated April 15, 2015, for the licensing period beginning on July 1, 2015 and concluding on June 30, 2016.

4. Licensee was granted an Amusement and Recreation Enterprise License for the 2015/2016 licensing term by Council on May 4, 2015, pursuant to Chapter 12 of the Code of General Ordinances subject to a nonrenewal revocation hearing.

5. The Licensee had its Class “B” Beer/ “Class B” Liquor Combination License renewed by Council on May 18, 2015, subject to a nonrenewal revocation hearing;

CLASS “B” BEER/“CLASS B” LIQUOR LICENSE

6. That Licensee was assessed twenty-five (25) demerit points based upon citations issued to Licensee and Licensee's employee, Karl Sovich, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute §125.07(1)(a), pursuant to Sections 10.063 D.1. and 10.063 D.6., of the Code of General Ordinances, said violation having occurred on November

21, 2013, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on December 12, 2013;

7. That Licensee was assessed fifty (50) demerit points based upon citations issued to Licensee and Licensee's employee, Elizabeth Raymer, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute § 125.07(1)(a), pursuant to Sections 10.063 D.1., 10.063 D.6. and 10.063 D.8., of the Code of General Ordinances, said violation having occurred on February 21, 2014, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on May 19, 2014;

8. That Licensee was assessed fifteen (15) demerit points based upon citations issued to Licensee and Licensee's employee, Elizabeth Raymer, for Permitting an Underage Person to Loiter on License Premises, contrary to Wisconsin Statute §125.07(3)(b), pursuant to Sections 10.063 D.1. and 10.063 D.6., of the Code of General Ordinances, said violation having occurred on February 21, 2014, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on May 19, 2014;

9. That the presumptions given to the conviction and the associated fifteen (15) demerit points alleged in paragraph 8 herein have been factually rebutted by testimony an employee of the Licensee, specifically that the Brat Stop, Inc. was open for normal restaurant business, and should not be considered. The Committee further finds that the presumption rebutted by the employee testimony is based on the totality of the evidence in this specific matter and the determination of the Committee has no bearing or precedential value on any other circumstances of a similar nature which could come before the Committee at any time in the future.

10. That Licensee was assessed twenty (20) demerit points based upon a citation issued to Licensee and Licensee's employee, Elizabeth Ortiz, for Sale of Alcohol to an

Intoxicated Person, contrary to Wisconsin Statute §125.07(2), pursuant to Sections 10.063 D.1. and 10.063 D.6., of the Code of General Ordinances, said violation having occurred on June 1, 2014, with a conviction of Licensee's employee in the Municipal Court for the City of Kenosha on August 5, 2014;

AMUSEMENT AND RECREATION ENTERPRISE LICENSE

11. That Licensee was assessed twenty-five (25) demerit points based upon citations issued to Licensee and Licensee's employee, Karl Sovich, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute §125.07(1)(a), pursuant to Section 12.01 B.3.a.(1)(a), of the Code of General Ordinances, said violation having occurred on November 21, 2013, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on December 12, 2013;

12. That Licensee was assessed twenty-five (25) demerit points based upon citations issued to Licensee and Licensee's employee, Elizabeth Raymer, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute § 125.07(1)(a), pursuant to Section 12.01 B.3.a.(1)(a), of the Code of General Ordinances, said violation having occurred on February 21, 2014, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on May 19, 2014;

13. That Licensee was assessed twenty-five (25) demerit points based upon citations issued to Licensee and Licensee's employee, Elizabeth Raymer, for Permitting an Underage Person to Loiter on License Premises, contrary to Wisconsin Statute §125.07(3)(b), pursuant to Section 12.01 B.3.a.(1)(a), of the Code of General Ordinances, said violation having occurred on February 21, 2014, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on May 19, 2014;

14. That the presumptions given to the conviction and the associated twenty-five (25)

demerit points alleged in paragraph 12 herein have been factually rebutted by testimony an employee of the Licensee, specifically that the Brat Stop, Inc. was open for normal restaurant business, and should not be considered.

15. That Licensee was assessed twenty-five (25) demerit points based upon a citation issued to Licensee and Licensee's employee, Elizabeth Ortiz, for Sale of Alcohol to an Intoxicated Person, contrary to Wisconsin Statute §125.07(2), pursuant to Section 12.01 B.3.a.(1)(a), of the Code of General Ordinances, said violation having occurred on June 1, 2014, with a conviction of Licensee's employee in the Municipal Court for the City of Kenosha on August 5, 2014;

CONCLUSIONS OF LAW

16. As to its Class "B" Beer/Class "B" Liquor Combination License, that Licensee has accumulated ninety-five (95) demerit points within seven hundred thirty (730) consecutive days pursuant to Section 10.063 of the General Code of Ordinances;

17. Pursuant to Section 10.063 D.2.a., of the Code of General Ordinances, the accumulation of one hundred (100) demerit points within seven hundred thirty (730) consecutive days subjects the Licensee to the nonrenewal, revocation or suspension of said License held by Licensee, as determined by Council.

18. As to its Amusement and Recreation Enterprise License, that Licensee has accumulated seventy-five (75) demerit points within seven hundred thirty (730) consecutive days pursuant to Section 12.01 of the General Code of Ordinances;

19. Pursuant to Section 12.01 B.3.a., of the Code of General Ordinances, the accumulation of one hundred (100) demerit points within seven hundred thirty (730) consecutive days subjects the Licensee to nonrenewal, revocation or suspension of its Amusement and Recreation Enterprise License, as determined by Council.

RECOMMENDATION

Based on the allegations of the Complaint, the evidence and testimony received at the hearing, the presumptions rebutted by testimony, the arguments of Counsel for the City of Kenosha, the arguments of Counsel for the Licensee, the discussions by the members of the Licensing/Permit Committee, and the Findings of Fact and Conclusions of Law set forth above, the Licensing/Permit Committee recommends to the Common Council, by a vote of 3-1, that no action be taken on the Class "B" Beer/"Class B" Liquor License and the Amusement & Recreation License of Brat Stop, Inc. As support for its decision, the Committee finds the demerit points as to the Class "B" Beer/"Class B" Liquor License demerit points total 95 and the demerit points as to the Amusement and Recreation Enterprise License total 75.

Dated at Kenosha, Wisconsin, on this _____ day of _____, 2016.

LICENSING/PERMIT COMMITTEE

Curt Wilson, Chairperson

David Bogdala

Patrick Juliana

G. John Ruffolo

Kurt Wicklund

**COMMON COUNCIL
CITY OF KENOSHA, WISCONSIN
LICENSING/PERMIT COMMITTEE**

City Atty.
proposed
amendment

In The Matters Of:

**THE CLASS "B" BEER /"CLASS B" LIQUOR COMBINATION LICENSE
of BRAT STOP, INC., d/b/a BRAT STOP**

Norma Rasmussen, Agent
12304 75th Street
Kenosha, WI 53142

and

**THE AMUSEMENT & RECREATION ENTERPRISE LICENSE
Of BRAT STOP, INC., d/b/a BRAT STOP**

Norma Rasmussen, Agent
12304 75th Street
Kenosha, WI 53142

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

The Complaint of the City Clerk/Treasurer for the City of Kenosha seeking the suspension or revocation of the above captioned licenses came before the License and Permit Committee on February 8, 2016.

The members of the Licensing/Permit Committee present for the hearing on February 8, 2016, were Chairperson Curt Wilson, Patrick Juliana, David Bogdala, and Kurt Wicklund.

The Licensing/Permit Committee was represented by special counsel, Steven M. Cain.

The City Clerk/Treasurer was represented by Deputy City Attorney, Matthew A. Knight.

The Licensee appeared by its Agent, Norma Rasmussen and its Attorney, Loren J. Keating.

NOW THEREFORE, based on the extensive testimony and evidence received at the hearing, the arguments of counsel for the City, the arguments of the Attorney for the Licensee, the stipulations of the parties, and the discussion by the members of the Licensing/Permit

Committee, the Licensing/Permit Committee of the Common Council of the City of Kenosha makes the following Findings of Fact, Conclusions of Law and Recommendation:

FINDINGS OF FACT

1. Norma Rasmussen, agent of Brat Stop, Inc., d/b/a Brat Stop, hereinafter “Licensee”, at all times mentioned herein, was and is an adult resident of the City of Kenosha, Wisconsin, and as of April 15, 2014, resided at 6042 – 41st Avenue, Kenosha, Wisconsin;

2. Licensee was initially granted a Class “B” Beer/“Class B” Liquor Combination License, hereinafter “License”, by the Common Council for the City of Kenosha, Wisconsin, hereinafter referred to as “Council”, pursuant to Chapter 10 of the Code of General Ordinances of the City of Kenosha, Wisconsin;

3. The Licensee has filed renewal applications for each successive year with its most recent renewal application for renewal of the Class “B” Beer/ “Class B” Liquor Combination License dated April 15, 2015, for the licensing period beginning on July 1, 2015 and concluding on June 30, 2016.

4. Licensee was granted an Amusement and Recreation Enterprise License for the 2015/2016 licensing term by Council on May 4, 2015, pursuant to Chapter 12 of the Code of General Ordinances subject to a nonrenewal revocation hearing.

5. The Licensee had its Class “B” Beer/ “Class B” Liquor Combination License renewed by Council on May 18, 2015, subject to a nonrenewal revocation hearing;

CLASS “B” BEER/“CLASS B” LIQUOR LICENSE

6. That Licensee was assessed twenty-five (25) demerit points based upon citations issued to Licensee and Licensee's employee, Karl Sovich, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute §125.07(1)(a), pursuant to Sections 10.063 D.1. and 10.063 D.6., of the Code of General Ordinances, said violation having occurred on November

21, 2013, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on December 12, 2013;

7. That Licensee was assessed fifty (50) demerit points based upon citations issued to Licensee and Licensee's employee, Elizabeth Raymer, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute § 125.07(1)(a), pursuant to Sections 10.063 D.1., 10.063 D.6. and 10.063 D.8., of the Code of General Ordinances, said violation having occurred on February 21, 2014, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on May 19, 2014;

8. That Licensee was assessed fifteen (15) demerit points based upon citations issued to Licensee and Licensee's employee, Elizabeth Raymer, for Permitting an Underage Person to Loiter on License Premises, contrary to Wisconsin Statute §125.07(3)(b), pursuant to Sections 10.063 D.1. and 10.063 D.6., of the Code of General Ordinances, said violation having occurred on February 21, 2014, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on May 19, 2014;

9. That the presumptions given to the conviction and the associated fifteen (15) demerit points alleged in paragraph 8 herein have been factually rebutted by testimony an employee of the Licensee, specifically that the Brat Stop, Inc. was open for normal restaurant business, and should not be considered. The Committee further finds that the presumption rebutted by the employee testimony is based on the totality of the evidence in this specific matter and the determination of the Committee has no bearing or precedential value on any other circumstances of a similar nature which could come before the Committee at any time in the future.

10. That Licensee was assessed twenty (20) demerit points based upon a citation issued to Licensee and Licensee's employee, Elizabeth Ortiz, for Sale of Alcohol to an

Intoxicated Person, contrary to Wisconsin Statute §125.07(2), pursuant to Sections 10.063 D.1. and 10.063 D.6., of the Code of General Ordinances, said violation having occurred on June 1, 2014, with a conviction of Licensee's employee in the Municipal Court for the City of Kenosha on August 5, 2014;

AMUSEMENT AND RECREATION ENTERPRISE LICENSE

11. That Licensee was assessed twenty-five (25) demerit points based upon citations issued to Licensee and Licensee's employee, Karl Sovich, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute §125.07(1)(a), pursuant to Section 12.01 B.3.a.(1)(a), of the Code of General Ordinances, said violation having occurred on November 21, 2013, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on December 12, 2013;

12. That Licensee was assessed twenty-five (25) demerit points based upon citations issued to Licensee and Licensee's employee, Elizabeth Raymer, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute § 125.07(1)(a), pursuant to Section 12.01 B.3.a.(1)(a), of the Code of General Ordinances, said violation having occurred on February 21, 2014, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on May 19, 2014;

13. That Licensee was assessed twenty-five (25) demerit points based upon citations issued to Licensee and Licensee's employee, Elizabeth Raymer, for Permitting an Underage Person to Loiter on License Premises, contrary to Wisconsin Statute §125.07(3)(b), pursuant to Section 12.01 B.3.a.(1)(a), of the Code of General Ordinances, said violation having occurred on February 21, 2014, resulting with a conviction of Licensee's employee in the City of Kenosha Municipal Court on May 19, 2014;

14. That the presumptions given to the conviction and the associated twenty-five (25) demerit points alleged in paragraph 12 herein have been factually rebutted by testimony an employee of the Licensee, specifically that the Brat Stop, Inc. was open for normal restaurant business, and should not be considered. The Committee further finds that the presumption rebutted by the employee testimony is based on the totality of the evidence in this specific matter and the determination of the Committee has no bearing or precedential value on any other circumstances of a similar nature which could come before the Committee at any time in the future.

15. That Licensee was assessed twenty-five (25) demerit points based upon a citation issued to Licensee and Licensee's employee, Elizabeth Ortiz, for Sale of Alcohol to an Intoxicated Person, contrary to Wisconsin Statute §125.07(2), pursuant to Section 12.01 B.3.a.(1)(a), of the Code of General Ordinances, said violation having occurred on June 1, 2014, with a conviction of Licensee's employee in the Municipal Court for the City of Kenosha on August 5, 2014;

CONCLUSIONS OF LAW

16. As to its Class "B" Beer/"Class B" Liquor Combination License, that Licensee has accumulated ninety-five (95) demerit points within seven hundred thirty (730) consecutive days pursuant to Section 10.063 of the General Code of Ordinances;

17. Pursuant to Section 10.063 D.2.a., of the Code of General Ordinances, the accumulation of one hundred (100) demerit points within seven hundred thirty (730) consecutive days subjects the Licensee to the nonrenewal, revocation or suspension of said License held by Licensee, as determined by Council.

18. As to its Amusement and Recreation Enterprise License, that Licensee has accumulated seventy-five (75) demerit points within seven hundred thirty (730) consecutive days

pursuant to Section 12.01 of the General Code of Ordinances;

19. Pursuant to Section 12.01 B.3.a., of the Code of General Ordinances, the accumulation of one hundred (100) demerit points within seven hundred thirty (730) consecutive days subjects the Licensee to nonrenewal, revocation or suspension of its Amusement and Recreation Enterprise License, as determined by Council.

RECOMMENDATION

Based on the allegations of the Complaint, the evidence and testimony received at the hearing, the presumptions rebutted by testimony, the arguments of Counsel for the City of Kenosha, the arguments of Counsel for the Licensee, the discussions by the members of the Licensing/Permit Committee, and the Findings of Fact and Conclusions of Law set forth above, the Licensing/Permit Committee recommends to the Common Council, by a vote of 3-1, that no action be taken on the Class "B" Beer/"Class B" Liquor License and the Amusement & Recreation License of Brat Stop, Inc. As support for its decision, the Committee finds the demerit points as to the Class "B" Beer/"Class B" Liquor License demerit points total 95 and the demerit points as to the Amusement and Recreation Enterprise License total 75.

Dated at Kenosha, Wisconsin, on this _____ day of _____, 2016.

LICENSING/PERMIT COMMITTEE

Curt Wilson, Chairperson

David Bogdala

Patrick Juliana

G. John Ruffolo

Kurt Wicklund