

**SPECIAL AGENDA**

**LICENSING/PERMIT COMMITTEE**  
**Kenosha Municipal Office Building – Room 204**  
**Monday, November 17, 2014**  
**6:50 p.m.**

**\*PLEASE NOTE TIME AND ROOM CHANGE\***

**Chairman: Curt Wilson**  
**Vice-Chair: Patrick Juliana**

**Aldersperson: David Bogdala**  
**Aldersperson: G. John Ruffolo**  
**Aldersperson: Kurt Wicklund**

**CALL TO ORDER**  
**ROLL CALL**

*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 to suspend for thirty (30) days the Class "A" Retail Beer/ "Class A" Retail Liquor License of Mega Marts, LLC, d/b/a Pick 'n Save #6871, Kai Kleimola, Agent, 2811 – 18<sup>th</sup> Street. (4<sup>th</sup> District)

**CITIZENS COMMENTS/BUSINESS AS AUTHORIZED BY LAW**  
**ALDERMEN COMMENTS**  
**STAFF COMMENTS**

**NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS MEETING.**

**IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE, PLEASE CALL 653-4020 BEFORE THIS MEETING**

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

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**In The Matter Of:**

**The Class “A” Retail Beer/Class “A” Retail Liquor License of Mega Marts, LLC,  
d/b/a Pick ‘N Save #6871, Kai Kleimola, Agent**

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**Findings of Fact, Conclusions of Law and Recommendation**

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The Complaint of the City Clerk/Treasurer for the City of Kenosha seeking the suspension or revocation of the above captioned license came before the License and Permit Committee on October 27, 2014 and November 10, 2014.

The members of the Licensing/Permit Committee present for the hearing on November 10, 2014, were Chairman Curt Wilson, Patrick Juliana, 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 Attorneys, Christopher Strohbehn and Steve McGaver.

NOW THEREFORE, based on the stipulation as to the facts alleged in the Complaint, the arguments of counsel for the City, the arguments of the Attorney for the Licensee, 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. Mega Marts, LLC, d/b/a Pick 'n Save #6871, is a Wisconsin Limited Liability Corporation duly organized under the laws of the State of Wisconsin, hereinafter “Licensee”, operates its local store at 2811 – 18<sup>th</sup> Street, Kenosha, Wisconsin, 53140;

2. Licensee was initially granted a Class "A" Beer/ "Class A" Liquor License, hereinafter "License", by the Common Council for the City of Kenosha, Wisconsin, hereinafter referred to as "Council", on March 21, 2000, pursuant to Chapter 10 of the Code of General Ordinances of the City of Kenosha, Wisconsin;

3. On June 2, 2014, the Council granted renewal of said License pursuant to Section 10.063 C. of the Code of General Ordinances, Kenosha, Wisconsin, for the licensing period beginning on July 1, 2014, and concluding on June 30, 2015, subject to non-renewal revocation.

4. Licensee has had three (3) licensing agents during the licensing periods material hereto, Kathryn Neimeyer from July 15, 2013 through December 2, 2013; Chad Lehrke, December 2, 2013 through July 21, 2014; and Kai Kleimola, July 21, 2014 through the present date;

5. That Licensee was assessed twenty-five (25) demerit points based upon a conviction of Licensee's employee, Margaret Conlee, and one companion citation issued to Kathryn Neimeyer, the Licensee's agent on the date of the violation, for Sale of Alcohol to an Underage Person, contrary to Wisconsin Statute Section 125.07(1)(a), pursuant to Sections 10.063 E.1. and 10.063 E.7., of the Code of General Ordinances, said violation having occurred on October 17, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on January 8, 2014.

6. That Licensee was assessed twenty-five (25) demerit points based upon Licensee's conviction of municipal citation and companion citations issued to Licensee's agent at the time of the violation, Kathryn Neimeyer, and Licensee's employee John Quinn, for Sale of Alcohol Without a Licensed Person on Premises, contrary to Wisconsin Statute Section 125.32(2), pursuant to Sections 10.063 E.1. and 10.063 E.7., of the Code of General Ordinances, said

violation having occurred on October 24, 2013, and resulting in a conviction in the Municipal Court for the City of Kenosha on February 17, 2014;

7. That Licensee, Licensee's agent and employees have violated Wisconsin Statute Chapter 125 two (2) times within three hundred sixty-five (365) consecutive days;

#### **CONCLUSIONS OF LAW**

8. That Licensee's agent and employees have violated Wisconsin Statute Chapter 125 more two (2) times within three hundred and sixty five (365) consecutive days;

9. Pursuant to Section 10.063 E.1. of the Code of General ordinances, two (2) violations of Wisconsin Statute Chapter 125 within three hundred sixty-five (365) consecutive days subjects Licensee to a mandatory thirty (30) day suspension of said License held by Licensee as determined by Council.

#### **RECOMMENDATION**

Based on the allegations of the Complaint, the evidence and testimony received at the hearing, the arguments of Counsel for the City of Kenosha and the arguments of the Agent of 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 3-0, that the Class "A" Beer/Class "A" Retail Liquor License of Mega Marts, LLC, d/b/a Pick 'N Save #6871 be suspended for thirty (30) days upon Common Council review.

Dated at Kenosha, Wisconsin, on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

LICENSING/PERMIT COMMITTEE

\_\_\_\_\_  
Curt Wilson, Chairperson

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Patrick Juliana

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Kurt Wicklund

\_\_\_\_\_  
David Bogdala

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G. John Ruffolo