

**Item 23-0512: Alcohol License Demerit Point Violation Appearance- OB's Brau Haus  
Safety and Licensing Committee**

Wed, May 10, 2023, 5:30PM

**Alderson Chris Croatt (District 14) 01:11**

We have one scheduled appearance under the public hearing appearances. 23-0512 is the alcohol license demerit point violation appearance of OB—OB's Brau Haus. The attachment is the letter that was sent to them, I assume.

**Alderson Chris Croatt (District 14) 01:27**

Are you all here for this? Okay, thank you for coming. We'll give you a chance to speak. When you do come up and speak. Use the microphone there, and give your name and address for the record. **[someone in the audience spoke off microphone]** Oh, sure. Yeah. Move into the front row. Yeah, for sure.

**Alderson Chris Croatt (District 14) 01:47**

Okay, so I'm just going to summarize what's going to happen here and why you were asked to come in. So per our ordinance, which was changed, I believe, last year, is that correct? July of last year. When you have—when an establishment has demerit points totaling within—totaling 25 to 149, within a 24-month period, you are asked to appear before this committee, and its section 9-54 of the ordinance language Section D, subsection 1. You're to appear before the committee and inform the committee of your efforts to rectify issues that caused the demerit points.

**Alderson Chris Croatt (District 14) 02:36**

So we'll get to that in a minute. But I just also wanted to clarify that this is a scheduled appearance. There is no action that will be taken tonight, and we're not here to debate the actual demerit point assessment. We're here to hear from you how you're going to address this from happening again. So is there anything from staff that I didn't cover there, attorney's office? You are...five? Okay, go ahead.

**Alderson Chris Croatt (District 14) 03:02**

Okay. Thank you. So it's, uh—just to summarize, it's a single violation at 150-point level, correct?

**Unknown City Attorney 03:02**

No, I think you covered everything appropriately. And I will just, as a preamble, indicate that, in addition to the informational item, there will be contact between the attorney's office, myself specifically, and the legal representation for the establishment regarding further action, and then the additional process that would come before this committee at some point. So we're at the beginning of that process. Not going to comment on it further, because nothing's really happened there. But I think you outlined everything appropriately as far as what the purpose of today's hearing is.

**Unknown City Attorney 03:46**

That is correct.

**Alderson Chris Croatt (District 14) 03:47**

Okay. All right. Who wants to speak first on the infraction and the efforts to rectify the issues? Name and address for the record, please?

**Steven Jesser (Attorney) 03:58**

Yes, good evening, members of the committee and members of the City Council, Chief. My name is Steven H. Jesser J E S S E R. My office happens to be in Glenview, Illinois, but I've been practicing throughout the state of Wisconsin for many years. With me is, are three individuals first Mr. **[Christopher N.]**, the owner of one of the premier establishments on West College Avenue.

**Christopher N. (OB's Brau Haus) 04:29**

And then my address is **[XXXXX]**.

**Steven Jesser (Attorney) 04:37**

Mr. **[Diago H.]**, former New York City police officer who's director of security for our establishment.

**Diago H. (OB's Brau Haus) 04:49**

Diago **[H. at XXXXX address.]**

**Steven Jesser (Attorney) 04:58**

Shot in the line of duty in New York and retired and came to settle here in Appleton. And the former owner of our establishment was, with his parents and his brother, residents here for many, many years.

**Franz-Josef S. (OB's Brau Haus) 05:15**

**[XXXXX address, Frank S.]**

**Steven Jesser (Attorney) 05:23**

Thank you for the opportunity to appear before you. We understand that we'll have a further appearance with respect to the unfortunate assessment of demerit points with which we vigorously disagree. And I look forward to discussion with Council. I had a very good discussion last Friday morning with the city clerk. I thought it was very productive. But I'd like you to hear from Chris first as to remedial measures for this totally unexpected, momentary 22 second event, which not only did we have no foreknowledge of, but the young lady and her gentlemen companion, Chris met upon their entry. He's very interactive. He's very much on the premises. And they were fully clothed, acting sober, gave him no reason to believe that they'd be misbehaving that night.

**Christopher N. (OB's Brau Haus) 06:35**

Again, my name is Christopher Nelis. I am the owner of OB's Brau Haus downtown Appleton. That's been a family business for 25 years we've been in the city. We've—and throughout those 25 years, we have built a very good reputation and rapport with all of our restaurant customers and community members. When it comes to the nighttime, we take people's safety very seriously. I believe I am the most well-staffed security-wise establishment downtown College Avenue. For the last five-six years, we have implemented a scanner-based system. I believe you had heard from another establishment that appeared before you about these scanners, we have had them for about six years.

**Christopher N. (OB's Brau Haus) 07:19**

When it comes to remedial measures to this happening, the gentleman in question that has been charged is actually banned for life from the establishment. We do not tolerate any behavior or actions like this. We take these matters very seriously. At the end of the day, I have a business to run. I have a restaurant that's open 40 hours a week. The last thing I need in my business is something like that to happen. I don't allow for any illegal activities on premise.

**Christopher N. (OB's Brau Haus) 07:48**

When it comes to situations of illegal happenings or disturb—or any disturbances, we take those very seriously, whether it's arguments or fights or anything of that nature. Even when it comes to fighting, there's an automatic ban of 30 days if it's even a push. If it's something more serious, it's an automatic year, no questions asked. They're not allowed back into my establishment. If they cannot behave, we don't want them. And at the end of the day with this scenario as well, as my attorney had explained to you, I had no reason to believe that this would happen. This video was out of context, a short 22nd video clip, of which there was no context before or after. I am sure that we had taken care of the issue when it was come to our attention. And of course, like I'd said, the gentleman that had been into the establishment and had that had been charged in this case, has been banned. He will not be allowed back into the establishment. Those are remedial measures.

**Christopher N. (OB's Brau Haus) 08:45**

On any given Friday or Saturday, I usually employ five to six security officers that patrol my staff, check bath—er patrol my establishment and check bathrooms. They also check in with the customers, whether or not it's to say hello to see what their demeanor is. My staff takes their job very seriously. And to that degree, I will let Diago speak as to the measures that he takes from scanning people, to pat downs at the door, to checking of the purses, to weapons checks, to dealing with banned customers. Diago would be able to fill you guys in more to the remedial measures being taken, that we can possibly take because we can't prevent somebody from doing something outrageous or illegal, but we can deal with it in the best capability in the time that it happens. So for that I present Diago.

**Steven Jesser (Attorney) 09:36**

Just wanted to add a comment or two. I hope that all of you have seen this video or will have the opportunity. And I don't say this in any jocular manner, I took a weekend off in March and went down to Key West and I saw more nudity on the beach at Key West than this young lady displayed. There's—and I know this is for another forum, but there's no reason to believe that anyone associated with us had any foreknowledge that she was going to go into the bathroom around the corner and take off her overcoat and put on a short 20 second display for her date. And we had six security officers on the premises that night. [Officer Hxxxx]?

**Diago H. (OB's Brau Haus) 10:39**

So, we have strict security policies that we follow at the club. And with these policies, they've been implemented between both owners, Frank, the previous owner, and this. And with these rules, we don't allow a lot of things to happen. Like one, we always check IDs. We always make sure that everybody's the right age. I personally work the door. I personally search all the gentlemen that come in. Also, we have a little bit of a dress policy, I can't turn away everybody. But if they do look like, you know, they're too much, I don't let them in.

**Diago H. (OB's Brau Haus) 11:11**

Also, inside the club, we have very, very strict policies, especially when it comes to people doing twerking videos, or if they're dancing on people, or if the girls are dancing on the floor, we literally have my security staff tell them to either get up or leave because we don't allow that type of behavior. You know what I mean? Because that type of behavior stems from something that's not in our atmosphere.

**Diago H. (OB's Brau Haus) 11:32**

A lot of our people that come in, they work in industry, they work in the strip industry. They work at local strip clubs, and they come there. So we don't want them to promote their business there. This is one of our policies

that we implemented from day one since working with both owners. It's not the look that we want. It's not a look that we established.

**Diago H. (OB's Brau Haus) 11:52**

I mean, we can't catch everything, because we are walking through the club, and we are trying to maintain our presence, and we're also trying to, you know, make sure that everybody is happy, and everybody's having a good time. Now, with that note, some things do get away from us, that's everything. But we do have policies and procedures that are set in place, which we do follow, and which we normally do not have a problem with. I mean, you know, my whole time there, this is the first incident that actually, you know, actually was brought to my attention about "Why is this happening?" Because we normally don't allow anything like that. I mean, you know, Halloween, one of our biggest nights, people wear whatever they want. Never happened. Nev—not a problem. No twerking. No, you know, no dancing on people or anything. And but you know, people have a good time.

**Diago H. (OB's Brau Haus) 12:41**

So, you know, when it comes to the policies and how we do things, we try to keep a really good positive atmosphere, you know what I mean? Say the less for, you know, things that are happening down the block. And if anybody that doesn't like that attitude, they can go somewhere else, and I have no problem telling them that or Chris has no problem telling them that. Because these are just certain things that we do not tolerate, and we will not accept in this business. Because it's a restaurant in the daytime; it's an image at night, but the images have to be separate. And we know that, and we respect that. And we follow that. That's why he takes—that's why I take my job very seriously when I'm there. I mean, Lieutenant Nagel can even contest that, you know, what I mean? I'm very serious on my job, and I follow all the rules to the letter.

**Aldersperson Chris Croatt (District 14) 13:30**

Thank you. Christopher, just a quick question. So when you refer to the gentleman that's banned from your establishment, are you referring to the promoter?

**Christopher N. (OB's Brau Haus) 13:40**

The gentleman that was promoting his party, that he was there for, yes. He is no longer allowed into my establishment.

**Aldersperson Chris Croatt (District 14) 13:49**

Okay. Okay. Is there anything else you'd like to add? Sorry, I didn't mean to cut you off there.

**Christopher N. (OB's Brau Haus) 13:54**

No, no, no, no apologies necessary. You know, at the end of the day, like I said, you know, we don't allow this type of behavior. I would also like to mention, there was no nudity at all. She was dressed provocatively sure. But at the end of the day, there was also no nudity. So and for the rest of the questions, I will refer them to my attorney. Thank you, for your time.

**Aldersperson Chris Croatt (District 14) 14:16**

Thank you. So one question I had is, so obviously this was a learning experience for you. Do you have new mechanisms in place maybe for your security team to screen promoters or prevent something like this from happening? I know you can catch everything.

**Steven Jesser (Attorney) 14:36**

I would just like to clarify, when we talk about promoters, there was no contractual relationship, verbal or in writing, between this individual, the man, and our establishment. He wasn't promoting anything for us.

**Christopher N. (OB's Brau Haus) 14:55**

When it comes to the measures of who is allowed into the establishment. For example, like Steven had said, this gentleman wanted to have an ugly sweater party to which I said, "Sure." When it comes to discussing things with promoters, even when it is contractual, I do have a contract that they can sign. In that contract, it says also that "illegal activity will not be tolerated on premises," that "any type of illegal activity will result in the event being canceled." I do have proof of these things being sent to people in text as well. I'm very adamant about this stuff not happening. Specifically, with situations like this too, I explain explicitly that it is not allowed. We are not that type of establishment. Our motto is "classy, not trashy," and we do not allow for that type of behavior. And I've specifically told this to people in writing and in person.

**Christopher N. (OB's Brau Haus) 16:00**

So with remedial measures, yes, we do that. But as my attorney has said, as well, it is almost impossible to be able to foretell when somebody decides to do something out of line. Then the best that we can do in that scenario is to stop it as soon as possible and prevent them from returning.

**Alderson Chris Croatt (District 14) 16:21**

Okay, thank you. Question from the committee? Alderman Siebers.

**Alderson William Siebers (District 1) 16:25**

I'm struggling with the promoter. I guess I don't understand this gentleman we label a promoter, but you're saying he wasn't a promoter, but yet he was promoting?

**Christopher N. (OB's Brau Haus) 16:41**

He has a—he wanted to just throw an ugly sweater party is basically was the theme for the night. So—

**Alderson William Siebers (District 1) 16:49**

For the whole bar?

**Christopher N. (OB's Brau Haus) 16:50**

For the whole establishment, yes.

**Alderson William Siebers (District 1) 16:53**

Okay.

**Christopher N. (OB's Brau Haus) 16:54**

At the end of the day, he wanted to, he—this is this kind of stuff he does is he throws parties, and he does interviews with artists and stuff like that, podcast-esque type things. So that is, at the end of the day, what he does. Now, there was no contractual obligation to this gentleman. You know, at the end of the day, I have no knowledge of the person dancing in the video. I had no idea; I had never spoken to that individual in my life. I had specifically told him for other events as well, that that behavior isn't tolerated. I've never offered to compensate this person because, quite frankly, I didn't even know their existence.

**Alderson William Siebers (District 1) 17:43**

So, okay, let—so if I wanted to do a special event—

**Christopher N. (OB's Brau Haus) 17:49**  
For example, a birthday party you would

**Alderson William Siebers (District 1) 17:51**  
Okay, so I could come to you and say...

**Christopher N. (OB's Brau Haus) 17:54**  
Yes.

**Alderson William Siebers (District 1) 17:54**  
...I want to have a birthday party.

**Christopher N. (OB's Brau Haus) 17:56**  
Yes. I can do events for birthdays, retirement parties.

**Alderson William Siebers (District 1) 18:00**  
And so, now, do I bring people in?

**Franz-Josef S. (OB's Brau Haus) 18:06**  
Specific...

**Christopher N. (OB's Brau Haus) 18:08**  
Talk into the mic.

**Christopher N. (OB's Brau Haus) 18:09**  
Yeah.

**Franz-Josef S. (OB's Brau Haus) 18:12**  
For an event like this, we would do a specific flyer, a whole event around...

**Alderson William Siebers (District 1) 18:16**  
Who does the flyer? You? Does the establishment?

**Franz-Josef S. (OB's Brau Haus) 18:19**  
...company. We'll contract it out. Yes. We'll contract out who makes the flyer.

**Alderson William Siebers (District 1) 18:26**  
Was there a flyer?

**Franz-Josef S. (OB's Brau Haus) 18:27**  
Pardon?

**Alderson William Siebers (District 1) 18:28**  
Was there a flyer?

**Christopher N. (OB's Brau Haus) 18:29**

There was a flyer, but I did not—I did not provide the flyer and I did not, it was not contracted out by me. No.

**Alderson William Siebers (District 1) 18:37**

Okay.

**Franz-Josef S. (OB's Brau Haus) 18:38**

But typically, we work with individual who do those events. And beyond what they do is out of our control that is that is—

**Alderson William Siebers (District 1) 18:49**

Okay. So we do have a working relationship here then between the establishment, the owners? You're saying no? Well, I mean, the person said, I want to have a—what?—ugly sweater?

**Franz-Josef S. (OB's Brau Haus) 19:08**

Sure.

**Alderson William Siebers (District 1) 19:09**

And you said, "Bring it on."

**Franz-Josef S. (OB's Brau Haus) 19:10**

Yeah, we'll make a flyer for you—

**Franz-Josef S. (OB's Brau Haus) 19:11**

Isn't that an agreement?

**Franz-Josef S. (OB's Brau Haus) 19:13**

Yeah. I mean, we make a flyer for you. You can have your birthday party at our establishment. But this has nothing to do what he does beyond that, there's no contract written, nothing.

**Franz-Josef S. (OB's Brau Haus) 19:23**

It's like you're saying, "I would like to have a birthday party at your establishment." Sure. Come in. We'll make you a flyer with your picture on it. You promote it. All your friends come down. Well, one of your friends happened to be dancing provocative. Well, I'm sorry. Like—

**Alderson William Siebers (District 1) 19:23**

Okay.

**Alderson William Siebers (District 1) 19:38**

Okay.

**Franz-Josef S. (OB's Brau Haus) 19:39**

This is why we—

**Steven Jesser (Attorney) 19:40**

Have to say, alderman, this has nothing to do with the young lady, apparently, going into the bathroom around the corner, taking off her overcoat, performing a stunt, trying to perform a stunt to impress this man who seems

to be somewhere out there, not even paying attention to her. It makes me—I don't like to speculate, but it makes me seriously wonder if she just did this on her own.

**Alderson William Siebers (District 1) 20:14**

I was I was just trying to get an understanding of what is meant by a promoter.

**Christopher N. (OB's Brau Haus) 20:19**

Yes. So, for example, like there are people that do put together whole events. In this situation, he just wanted to do an ugly sweater party. There wasn't like—yes, but there are specific times where, yes, there will be a promoter, and then they will rent or, yes.

**Alderson William Siebers (District 1) 20:40**

See, I had the impression—and I'm glad you cleared it up.

**Christopher N. (OB's Brau Haus) 20:44**

Yeah.

**Alderson William Siebers (District 1) 20:45**

You hired somebody to provide entertainment.

**Alderson William Siebers (District 1) 20:49**

And lo and behold...

**Christopher N. (OB's Brau Haus) 20:49**

No.

**Christopher N. (OB's Brau Haus) 20:52**

No.

**Alderson William Siebers (District 1) 20:52**

...this was part of that—

**Christopher N. (OB's Brau Haus) 20:53**

That is not what happened in that scenario. No.

**Alderson William Siebers (District 1) 20:55**

Okay.

**Christopher N. (OB's Brau Haus) 20:56**

I'm glad you asked that.

**Alderson William Siebers (District 1) 20:58**

Okay, thank you.

**Christopher N. (OB's Brau Haus) 21:00**

You're welcome.



**Alderson Chris Croatt (District 14) 21:01**

Okay, any other questions? Alderson van Zeeland?

**Alderson Katie Van Zeeland (District 5) 21:04**

Thank you chair. I understand the difference that you explained to Alder Siebers. I guess I would just say that it sounds like this person is a personality. It sounds like they might do these kinds of events in other places.

**Christopher N. (OB's Brau Haus) 21:17**

You could think of them kind of like an influencer.

**Alderson Katie Van Zeeland (District 5) 21:19**

Yeah.

**Christopher N. (OB's Brau Haus) 21:19**

But for whether, you know, it's up to them that they would like to promote. You could promote a birthday party or retirement party. You could even—you know, some promoters also will do dinner parties.

**Alderson Katie Van Zeeland (District 5) 21:30**

Right.

**Christopher N. (OB's Brau Haus) 21:30**

It's all dependent on, I guess, what they're looking to do exactly.

**Alderson Katie Van Zeeland (District 5) 21:35**

Sure. I guess I was just wondering if you were aware, or if going forward, you would check on these influencers or personalities, to see if they've done these things that other establishments.

**Christopher N. (OB's Brau Haus) 21:46**

When it comes to other establishments, I'm—I run a restaurant, I run a brewery, I also have a nightlife. I'm a very, very busy individual. I try to the best of my ability to make sure that what happens can be prevented. When it comes to illegal activities, the best I can do is try to vet them, talk to them, and see what's going on. For example, there are events I've turned away.

**Christopher N. (OB's Brau Haus) 22:17**

You know, when it comes down to it, there are some times that people would like to throw an event that has some performers, as in hip hop artists or rappers, to which I tell everybody in those scenarios, "I don't want to see any drugs in the videos that they produce. I don't want to see any guns in the videos that they produce. I don't want that in my establishment." Because at the end of the day, I rather enjoy having a business in Appleton and having a city to where people can comfortably go to these events and support. You know, whether it's artists that rap, or bands or even producers of electronic dance music. So I take these things very seriously. I don't I don't allow for that. I've stopped shows before they've even happened, days before the event and not let them continue.

**Alderson Katie Van Zeeland (District 5) 23:01**

I guess what I would just say is typically influencers have a social media presence.

**Christopher N. (OB's Brau Haus) 23:05**

They do. Yes.

**Aldersperson Katie Van Zeeland (District 5) 23:06**

So I would, I would just ask in the future, perhaps taking a look at their social media presence would be prudent.

**Christopher N. (OB's Brau Haus) 23:12**

And I would agree with that. Yes. And I do try my best to go through and do those things as well. Yeah.

**Aldersperson Katie Van Zeeland (District 5) 23:18**

Thank you.

**Christopher N. (OB's Brau Haus) 23:19**

Yes. You're welcome.

**Aldersperson Chris Croatt (District 14) 23:22**

Aldersperson Wolff? No? Is there anything that the police department would like to clarify or comment on in regards to? Okay, okay. Thank you. Alderman Schultz.

**Aldersperson Alex Schultz (District 9) 23:39**

Yeah, I guess I'm trying to square the description of what happened and then understand the establishment's responsibility for something that seems to have been entirely out of their control and not, one, a promotional thing that they were aware of, two, that they could have foreseen this. So you know, you're checking people out the door, an underage person gets in, you're making your best effort to make sure that doesn't happen, and I can see why a violation would be on that establishment. This is a situation where you have a patron just doing something on her own from what I'm gathering.

**Aldersperson Alex Schultz (District 9) 24:18**

I'm guess I'm would like to ask or field the question to staff, what is the onus on an establishment for being responsible for someone's unruly behavior? If the fist fight breaks out is the establishment responsible for damages individuals on flicked on each other in in that on premise? I mean, I guess I'm just throwing it out because I kind of want to understand what their responsibility is, given that there was no direct engagement or contractual situation with this individual. Help me understand a little bit.

**Unknown City Attorney 24:53**

I can certainly try, and just to be clear at this point, there isn't a complaint filed before the committee so the information as far as the full scope of what's out there is not before the committee today. So I just want to make sure that that is clear.

**Unknown City Attorney 25:08**

I don't know—there is—the language in the code, specifically looking at the demerit point system, and the violations that can occur therein and the different types of violations, the categories that they fall into, there is a responsibility ultimately, from the standpoint of the business to make sure that this stuff is obviously prevented to the extent that they can prevent it. I think there's probably—I'll leave it there for the moment.

**Unknown City Attorney 25:50**

The way the code is, does impose a bit of a strict liability for some of these things. To the extent that's enforceable, I don't know. I don't know that that's a realistic standard. And it's not the one that I understand has been applied. But as far as what's preventable, I think there's a lot more that goes into what's preventable than just what happens on that particular night on that particular day when it's happening. Some of that stuff's been alluded to already. That's the stuff that we're going to talk about—the Council and I will discuss, as things come forward here. But ultimately, there's a broader scope of what's preventable in terms of what's being looked at, not just—there's a reference to 22 seconds. There's a lot that goes into 22 seconds, a lot leading up to it, not that night, the time leading up to it. So it's not a...it's not a situation where they're responsible for everything that happens as far as I can see, but there is a high degree of responsibility considering the way the code is worded.

**Alderman Chris Croatt (District 14) 27:04**

Thank you. So on the item as it's on our agenda tonight, so are there any other questions as to the efforts of the establishment to rectify the issues? Any other comments from anyone?

**Alderman Katie Van Zeeland (District 5) 27:18**

I would just say it sounds like they're taking it very seriously. And I'm glad to see that they're here to talk about it today.

**Christopher N. (OB's Brau Haus) 27:23**

And I do take it very seriously. I, with—no matter who the promoter is, I always try to vet them, including artists that come to perform hip hop as well. And I do take this very seriously. That's, you know why retained council and my head of security is here along with my brother Frank to, to let you guys know that we don't tolerate this behavior. And we do vet to the best of our ability, that, you know, we try our hardest to make sure that we have a very presentable image, a clean image, and one that doesn't allow for illegal things to happen. And at the end of the day, we can only do our best in that regards to stopping things that do happen outside of our control, to prevent them from happening again. And in this situation, I think a lifetime ban would be fitting to prevent this situation that has never occurred on our premises in the 25 years, in our 25-year history, from happening again.

**Alderman Chris Croatt (District 14) 27:28**

Thank you. And I agree with Alderman—er Alderman Van Zeeland, that it sounds like you definitely are taking things seriously. The banning of the person that was involved. Your security team's, explanation of how they handle things at the establishment. I'm—I've heard enough in regards to what you're doing to rectify this and what you had done to address the issue that occurred. Is there anyone else that would like to make a final comment? Okay, thanks again, for coming. All of you. Appreciate it.

**Christopher N. (OB's Brau Haus) 28:56**

Thank you for your time.