

**IN THE CITY OF APPLETON,
OUTAGAMIE COUNTY, STATE OF
WISCONSIN, BEFORE THE
SAFETY AND LICENSING COMMITTEE**

IN RE THE ALCOHOL LICENSE OF KIM WILLIAMS

d/b/a Corner Pub
1123 North Mason Street
Appleton, WI 54914

**REPORT OF THE SAFETY AND LICENSING COMMITTEE
TO THE COMMON COUNCIL OF THE CITY OF APPLETON
AS AMENDED ON JULY 24, 2024**

The above matter came before the Safety and Licensing Committee of the Common Council of the City of Appleton on June 26, 2024, as a hearing on the refusal to renew the alcohol beverage license of Kim Williams. That hearing was continued on July 10, 2024. *This matter was referred back by the Common Council on July 17, 2024, and was taken up again at the July 24, 2024 Safety and Licensing Committee. (Amendments to original report are italicized and underlined or struck through)*

A copy of this report shall be given to the licensee. If the licensee files an objection to this report with the City Clerk prior to the matter being decided by the Common Council, they will have an opportunity to present arguments supporting the objection to the Common Council, who shall determine whether the arguments shall be presented orally or in writing or both.

FINDINGS OF FACT

1. Kim Williams (“Licensee”), doing business as Corner Pub, has a premises licensed by the City of Appleton for retail alcohol beverage sales located at 1123 North Mason Street in the city of Appleton, Wisconsin.

2. Licensee was granted a Combination Retail License for Class “B” Fermented Malt Beverages and “Class B” Intoxicating Liquors for the 2023-24 alcohol licensing year.
3. On May 30, 2023, Appleton Health Department inspected the Corner Pub and found several significant areas in need of repairs that required multiple other city departments to inspect and approve before the premises could be open to the public for the sale of alcohol beverages.
4. On July 28, 2023, Licensee was sent a letter from the City of Appleton Clerk regarding the potential of non-renewal based on failure to use the alcohol license for the purpose in which it was granted for a period of one (1) year from May 30, 2023, if the business is not open to the public.
5. On March 11, 2024, Licensee applied to renew the aforementioned Combination Retail License for the 2024-25 alcohol licensing year.
6. On May 30, 2024, Appleton Health Department inspected the Corner Pub and reported that the business appeared to not be open to the public and noted that Fire and Inspections Departments have not approved the business to reopen.
7. On or about May 31, 2024, notice of intention to refuse to renew the alcohol license (“Notice”) for Corner Pub was sent to Licensee.
8. The Notice provided Licensee that the reason for non-renewal is that “Pursuant to 9-52(9) of the City of Appleton Municipal Code any licensee granted or issued a license to sell alcohol beverages that abandons such business shall forfeit any right or preference the licensee may have to the holding or renewal of such license. Abandonment shall be sufficient grounds for revocation or non-renewal of any alcohol beverage license.”
9. The Notice provided Licensee an opportunity for a hearing on the non-renewal of their alcohol license on June 26, 2024, at 5:30 p.m.
10. The Hearing occurred on June 26, 2024 and was continued on July 10, 2024
11. For the one (1) year period of time between May 30, 2023, and May 30, 2024, the licensed premises known as the Corner Pub was closed to the public.

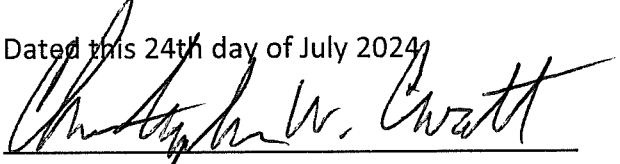
12. As of July 10, 2024, the licensed premises known as the Corner Pub continued to be closed to the public.
13. While the Corner Pub was closed to the public, no retail sales of alcohol beverages occurred.
14. Due to the catastrophic circumstances that the owner and family endured after the catastrophic circumstances that destroyed the licensed establishment, the Safety and Licensing Committee finds good cause to extend the period of time before their alcohol license will be deemed "abandoned" under Section 9-52(9) of the Municipal Code of the City of Appleton. The license will not be "abandoned" under that section if the licensee is actually open for the retail sale of alcohol beverages on or before August 15, 2024.

CONCLUSIONS OF LAW

1. The Safety and Licensing Committee of the Common Council of the City of Appleton has proper jurisdiction to conduct hearing for refusal to renew alcohol beverage licenses based on noncompliance with Section 9-52(9) of the Municipal Code of the City of Appleton and Wis. Stat. §125.12.
2. A violation of Section 9-52(9) of the Municipal Code of the City of Appleton is a municipal regulation adopted under Wis. Stat. §125.10 and is therefore a basis for refusing to renew an alcohol beverage license under Wis. Stat. §125.12.
3. The Safety and Licensing Committee concludes that the Licensee was not using its license to sell alcohol for the purpose of selling alcohol when it was closed to the public.
4. The Safety and Licensing Committee concludes that the Licensee has until August 15, 2024, to be using their retail alcohol license for the purpose of selling alcohol beverages before the license will be considered "abandoned" under Section 9-52(9) of the Municipal Code of the City of Appleton.
- ~~5. The Safety and Licensing Committee concludes that the Licensee d/b/a Corner Pub has ABANDONED their Combination Retail License in violation of Section 9-52(9) of the Municipal Code of the City of Appleton.~~

RECOMMENDATION

Based on the above Findings of Fact and Conclusions of Law, the Safety and Licensing Committee recommends that the Common Council of the City of Appleton **EXTEND THE PERIOD BEFORE ABANDONEMENT CAN BE FOUND UNTIL AUGUST 15, 2024, for REFUSE TO RENEW** the Combination Retail License for Class “B” Fermented Malt Beverages and “Class B” Intoxicating Liquors issued to Kim Williams for the establishment known as the Corner Pub.

Dated this 24th day of July 2024

Alderman Chris Croatt
Chairperson, Safety and Licensing
Committee