



DEPARTMENT OF
**LEGAL AND
ADMINISTRATIVE
SERVICES**

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TO: Appleton Common Council

From: ACA Zak Buruin

Date: July 15, 2024

RE: Non-Renewal of the Class "B" Malt Beverage & "Class B" Liquor License for Corner Pub, 1123 N. Mason Street. Kim Williams, Agent

In response to questions and concerns raised by members of the Safety and Licensing Committee regarding the renewal of the above noted alcohol beverage license, I have compiled the following information relevant to the inspection process in this case.

For background purposes, prior to the May 30, 2023 health inspection of the licensed premises, significant damage was done to the premises as a result of a water pipe breaking in the unit above the licensed premises. As a result, significant repairs were required before the premises could reopen for business. A specific list of code violations and necessary repairs were not provided because no inspections were requested or therefore carried out beyond that conducted by the Health Department. As noted in the Health Department's inspection report, the "Bar needs to be essentially put back together and have all departments sign off prior to reopening."

The Health Department inspection report was provided to the applicant following the inspection in 2023. While typically provided via email, this report was mailed to the licensee's address because no email address was provided. This included the notification of the various departments that would need to approve of the premises before it could be permitted to reopen.

The damage to the premises was such that ceiling rafters and wall studs were exposed and the can lighting was hanging down (among other things). The work that needed to be completed required obtaining appropriate permits. It is the request for these permits that notifies the Inspections Department of the need for the kind of inspections that were necessary in this case. My understanding is that no permits for any of the necessary repairs were requested until June 6, 2024, after the May 30 deadline to reopen and avoid the license being considered abandoned.

Most of the repairs needed required the services of a licensed contractor. A licensed contractor, had one or more been employed earlier in the process, would have been in a position to seek required permits and inspections, and would be more familiar with inspections requirements. Again, no permits were sought until permit for the electrical work was obtained on June 6, 2024. This was over a year after being told of the numerous inspections that would need to be passed, and over 10 months since being warned of the May 30, 2024 deadline to reopen and avoid

license abandonment.

In summary, the applicant in this matter was provided with information needed to comply with the City's requirements and was given significant time to do so. It is only as the deadline for abandonment passed that recognizable progress began to be made on bringing the property into compliance with the City's code. It is expected that a representative of the City's Inspections Department will be available at the upcoming meeting of the Common Council to answer any questions that may remain.

The Common Council has the discretion to allow more time before considering the alcohol license in question to be considered abandoned if good cause is shown.

It does not appear that the delays in progress or in the providing of information to the applicant in this matter were the result of any action or inaction on the part of the involved departments. Assertions that the relevant departments failed to timely inspect or provide inspection results are not factually supported and should not be treated as a basis for a finding of good cause to extend the deadline for abandonment.

Should the Council find good cause based upon information supported by the record, it may exercise its discretion as it sees fit.