

Item 24-1105: Operator License for Cindy Reed

Safety and Licensing Committee

Wed, Sep 25, 2024 5:30PM

Aldersperson Chris Croatt (District 14) 01:00

Moving into our action items, we'll take them up in order. 24-1105, is the operator license for Cindy Reed so we have—Miss Reed, you are here. Okay, yes, please approach a microphone. We'll give you a chance to speak here. We do have, as part of our packet, your application, a letter from the clerk's office, which is, I believe, from administrative services, and a letter from the Appleton Police Department, and then a follow up memo. So those are all information documents for this committee to review and consider all the information in your case. So, I will turn it over to you, and then we'll bring it back to the table and get a motion, and I will give the attorney a chance to clarify the committee's options. All right. If—I'm sorry, if you could start with your name and address. That's for the record.

[Cindy speaks, but the microphone is not turned on so her words are not picked up for the recording.]

Aldersperson Chris Croatt (District 14) 06:31

Okay, we may. Are there other folks here that would like to speak on your behalf or in...?

[Cindy speaks, but the microphone is not turned on so her words are not picked up for the recording.]

Aldersperson Chris Croatt (District 14) 06:39

Okay.

[Cindy speaks, but the microphone is not turned on so her words are not picked up for the recording.]

Aldersperson Chris Croatt (District 14) 06:47

If you would like to submit that, we can certainly accept that and make copies and make it part of the permanent record, which is a packet for all council members to consider. And then we'll give mister Joostin a chance to speak if he wants to. And then I will have—I will give the Appleton Police Department an opportunity to comment on their memo, get some clarification on this threshold, if we could, the reduced threshold for 3, 4 OWI, and then a statement from the city attorney. So, we may have a question for you, but yeah, sure bring it up. And is it one copy of each thing? Because we can—

[Cindy hands out papers.]

Aldersperson Chris Croatt (District 14) 07:36

Okay. If we could save additional comments for the microphone so we can—it's part of the audio recording. So, if you have things you want to submit for us to consider, we can pass them around now and then add them. Is that? Okay? Attorney Buruin?

Zak Buruin (Assistant City Attorney) 08:01

Yes.

Aldersperson Chris Croatt (District 14) 08:03

Right here. You can start right there.

Aldersperson Chris Croatt (District 14) 08:10

Okay. Mr. Joosten, if you want to speak, approach the microphone and name and address for the record.

[Mr. Joosten started to speak but the microphone is not turned on and does not pick up his words]

Aldersperson Chris Croatt (District 14) 08:33

Go ahead.

Mark Joosten (Eager Beaver - Owner) 08:35

[The first few words are not picked up by the microphone.] She's worked—she with me for about three years, and I cannot say enough good things about her. She's responsible. She's accountable. She checks anybody doesn't look like they're 50 years old. She's **[indecipherable]** I don't ask her to. She arrives to work early all the time. For me, personally, she's been a model employee. I've had three bars since 1987, on and off, but there is times, and I would take something like that any day. Especially in today's workforce, **[indecipherable]** are bad, but she's an adult. She gets it. And my crowd now is pretty much 35 to 85 actually. So, she fits in well there. Not a young kid bar. I don't want any trouble. Neither does. She were too old. I'm 60. Don't need more headaches. Enough of those 35 or 40 years ago.

Mark Joosten (Eager Beaver - Owner) 09:22

So, I mean, I understand she made a mistake. I totally get that. I'm, you know, not trying to say it didn't happen, because obviously it did. But as part of the bar owner, I literally have not had one thing that I could say has been bad about her at my bar. I mean, a model employee for me, honestly. I'd hate to see, you know, it not work out for her, from my point of view, being selfish, I guess. But—'cause it's hard to find good people that do what she does, and that are not 22-year-old kids that show up when they want to show up and **[indecipherable]** other stuff that goes on, I guess. But so, I have a good thing to say about her. I have no problem with her whatsoever, ever. Bring it back at a bar, I mean, just accountable, call me out of the blue and say, "Hey, you want me to stock this before I go?" I mean, just everything is just trying to be a great employee, and she's never failed me once. So I mean, I honestly, I can't, I can't say anything bad about I really just can't. If I thought there was something, I wouldn't come here and say all this. I'm not gonna lie to anybody. I mean, she's been good, and I'd really hate the lose her, because it's hard to find people like that are **[indecipherable]** responsible. I mean, she cares, and that seems to be more challenging to find nowadays.

Aldersperson Chris Croatt (District 14) 10:30

Okay, thank you for your comments. Thanks for coming. Do you want to speak? Or—okay, okay. All right, let's go to the Appleton Police Department. Lieutenant Goodin, do you want to comment on the memo or summarize anything? We all had it. We all reviewed it. I think we understand APD's position is to recommend denial. That's why the license application is ultimately here. Just is it District 4? 12? Okay, go ahead.

Lieutenant Ben Goodin (Police) 11:02

Yeah, the Appleton Police Department doesn't have anything further to add beyond the memo. I will note that I was not aware of the particular facts of the case that Miss Reed elaborate on.

Aldersperson Chris Croatt (District 14) 11:11

Okay. And can you confirm this reduced threshold for driving after three OWI convictions?

Lieutenant Ben Goodin (Police) 11:21

I can confirm that the Department of Transportation does implement that as a common rule for drivers with multiple OWI convictions, and it's kind of a reduced .02 blood alcohol threshold instead of the standard point 08.

Alderman Chris Croatt (District 14) 11:36

Okay.

Lieutenant Ben Goodin (Police) 11:36

That is common.

Alderman Chris Croatt (District 14) 11:37

Okay. Thank you. All right, Attorney Buruin. District five? Let me turn 12 off here. Okay, if you could summarize the memos that came from your office and also explain to the committee our options here. Sometimes we don't have many options. Sometimes we have no option. Sometimes we have discretion to consider all the facts.

Zak Buruin (Assistant City Attorney) 12:03

Absolutely. I want to start by following up on what Lieutenant Goodin was last talking about. It's actually a statutory requirement or a statutory lowering of the prohibited alcohol concentration threshold after a third OWI conviction. It does not impact the OWI charge itself, but for a prohibited alcohol concentration charge, it is a reduced threshold. That's for anybody who has three or more operating while intoxicated convictions or accountable offenses for that.

Zak Buruin (Assistant City Attorney) 12:33

With regard to the memorandum that I submitted, essentially with the information available to the Appleton Police Department, the Appleton Police Department had no choice but to recommend denial. Regardless of whether there was approval with the prior three dated OWI offenses, what we have now is a fourth new offense, which brings back into question the issue of habitual criminality or habitual law offending, but also, more importantly, and more directly, that is a felony offense, and somebody is statutorily ineligible for a chapter 125 license with an unpardoned felony conviction, assuming it substantially relates to the license, unless they meet certain criteria. And right now, prior to coming into the hearing or today's meeting, that's the point where things stood.

Zak Buruin (Assistant City Attorney) 13:31

So, unless, effectively the committee is defined that there is sufficient documentation of rehabilitation that's where it stops. There is no eligibility because of that felony conviction. It is—based on the way things played out, there is no documentation that sounds like it would be available that the committee is required by statute to accept conclusively as evidence of rehabilitation, which places this squarely into the discretion of the committee. So, it will be up to you to evaluate what's been said, the documentation that's been here, and it will ultimately be within the discretion of the committee and the council to determine whether or not sufficient evidence of rehabilitation has been shown. If that has been shown, the license needs to be granted. If the committee and the council decide that has not been shown sufficiently, then the requirement is to deny.

Alderman Chris Croatt (District 14) 14:40

Okay. Thank you. Hopefully the committee's clear on that direction. We do need to get a motion to get it on the table so we can discuss and ask questions. So, if someone would like to do that, I would entertain a motion on the operator's license for Cindy Reed one way or the other. Recommendation is to deny. Get it on the table, and anybody want to make a motion?

Alderson William Siebers (District 1) 15:08

For the purpose of getting it on the table, I'll move to deny.

Alderson Chris Croatt (District 14) 15:12

Okay, and Alder Schultz will second for purposes of getting it on the table and discussing it. So, who wants to go first? Alder Fenton.

Alderson Denise Fenton (District 6) 15:24

Thank you. Thank you, Chair.

Alderson Chris Croatt (District 14) 15:25

And if you have a question for the applicant, we'll have her come back.

Alderson Denise Fenton (District 6) 15:28

I do have a question for the applicant. So—and Ms. Reed, I apologize. I went through your documentation very quickly, and so if I have misunderstood anything, please feel free to correct me. But I'm looking at the case. So, it appears that you pleaded—and I'm going to have Attorney Buruin, you know, if I'm not allowed to ask something, please let me know. But it looks to me, from the documentation that you pleaded no contest to the charge once the—and can you just talk to us about the reasoning for that if you believed that that this was not an accurate.

Cindy Reed (Applicant) 16:15

I did I did plead no contest. To plead not guilty would have been a length—not necessarily lengthy, but a very costly jury, which I would not have won. The bottom line is they have the blood alcohol level at a 026. The law is very clear. So, I pled out and because it was low, I think the district attorney probably kind of knew in the back of his or her mind that I probably was not drinking and driving. Had I been, one beer puts me over the limit by about a point 035, so at a point 026, I'm pretty sure that she understood the situation. However, their hands are tied. The law is the law. They don't care if it was NyQuil. They don't care if it was beer. They don't care if you drink a bottle of rubbing alcohol. Just—

Alderson Denise Fenton (District 6) 17:21

All right, thank you. That that was—and then can I ask one more question?

Alderson Chris Croatt (District 14) 17:27

Sure. Go ahead.

Alderson Denise Fenton (District 6) 17:27

Thank you, chair. So, were you pulled over—you were driving, and were pulled over under suspicion of driving under the influence?

Cindy Reed (Applicant) 17:35

I was pulled over for darkened license plate covers. I was driving my daughter's car, and she had darkened license plate covers which he pulled me over for.

Alderson Denise Fenton (District 6) 17:48

Okay, all right. Thank you.

Alderson Chris Croatt (District 14) 17:52

Any other comments or questions for the applicant while she's at the podium? Alder Schultz.

Alderson Alex Schultz (District 9) 17:58

Just to kind of piggyback on Alder Fenton's questions, so you were pulled over for darkened plates. What was the reason the officer, at that time determined that you should have a blood alcohol con—did he looked up your record, and then...?

Cindy Reed (Applicant) 18:11

He ran my record. He came back and immediately asked me to step out of the car so he could talk to me.

Alderson Alex Schultz (District 9) 18:17

Okay, that helps. Thank you.

Alderson Chris Croatt (District 14) 18:18

Okay, all right. Alder Siebers.

Alderson William Siebers (District 1) 18:22

You made the statement that you served time in jail.

Cindy Reed (Applicant) 18:26

Yes, I did.

Alderson William Siebers (District 1) 18:27

This last time?

Cindy Reed (Applicant) 18:28

Yes, yes. I was sentence. I was sentenced to 60 days. I sat six weeks. With good time I was on, I was out on the GPS bracelet for Winnebago County. You either have a job and you're on the GPS bracelet, or you sit in house. So, I was able to go to work and reside at my daughter's apartment during that time.

Alderson William Siebers (District 1) 18:55

You made the statement that since '07 you have walked a straight line.

Cindy Reed (Applicant) 19:10

Yes, sir.

Alderson William Siebers (District 1) 19:12

How did you how did you do that?

Cindy Reed (Applicant) 19:15

Well, some people only have to be told once. The third one, I sat 30 days in Waupaca County, and my—one of my best friends from high school, was my jailer. It's pretty embarrassing.

Alderson William Siebers (District 1) 19:28

Okay.

Cindy Reed (Applicant) 19:29

And then I went to the outpatient treatment, and I was given quite a few of very useful tools to get through life and know what's important, figured some other things out about my life, and it's been working.

Alderson William Siebers (District 1) 19:45

During that—this period of time, have you abstained from alcohol?

Cindy Reed (Applicant) 19:50

I will have an occasional here or there, but I'm usually at home.

Alderson William Siebers (District 1) 19:54

Okay.

Alderson Chris Croatt (District 14) 19:56

Thank you. All right. Attorney Buruin.

Zak Buruin (Assistant City Attorney) 20:03

One thing. I just want to clarify, since I think there was a question asked, and I want to make sure proper extrapolations are made from it, darkened license plate and the history of OWIs by the by themselves—those things by themselves are not going to give rise to legal justification for an OWI investigation. So, there is more. I'm not saying she's withholding it. I'm not saying she's being untruthful, but she may not be recalling or aware. Or there's, I suppose, the potential for there to be something that was not caught, but that would not be a legal justification. So, I suspect, based on my experience prosecuting felony OWIs that there's a decent amount more than that.

Cindy Reed (Applicant) 20:50

May I comment?

Alderson Chris Croatt (District 14) 20:51

Sure.

Cindy Reed (Applicant) 20:52

The police officer said that he could smell alcohol on my breath and that I was shaking when I handed him my documentation. I'm sorry. 17 years ago, I've had enough experience with the law. I do get nervous, and, I'm sorry, there's not a chance that he smelled alcohol on me, but he is a state patrol. I am the offender. I've got the history.

Alderson Chris Croatt (District 14) 21:23

Thanks for sharing that, because I think that kind of confirms what the attorney was saying about more. So, Alder Seibers.

Alderson William Siebers (District 1) 21:31

Here's the problem that I think I'm not the only one that has, and I always tried to understand. At what point in time, if ever, does your past record no longer impact your present? Here we have an individual who has had a pretty lengthy period of time in terms of no contact with the police or, and now, all of a sudden, she has an offense, and so, you know, I struggle with this. At what point in time does the past remain in the past and not impact the present?

Alderson Chris Croatt (District 14) 22:21

And I agree with those comments, except for the fact that the period of time does not necessarily mean that nothing was happening. It just means there's no record. And I'm not saying that you had a bunch of things that you didn't get caught for. I'm just saying that that's what, you know, that's what that could mean. It also could mean 17 years of no reason to have anything on record. Okay. anyone else want to make comments? We do have a motion and a second on the table.

Alderson Denise Fenton (District 6) 22:57

I just—

Alderson Chris Croatt (District 14) 22:58

Go ahead.

Alderson Denise Fenton (District 6) 22:58

Thank you, Chair. I share Alder Seibers, I guess concern. And again, I can't make a statement on the law. The law is the law, but it's—it is of some concern that after 17 years of blood alcohol concentration that where, if I had done it, they would send me on my way, is—can affect somebody forever. So, I do have some—and I'm struggling with this. I will be honest. I'm struggling with this.

Alderson Chris Croatt (District 14) 23:44

Thank you. Yeah, and I think, you know, I'm usually pretty tough on these, and I do struggle with some of these, and this is one of them. But you know, I do come back to the fact that the fourth offense was a felony offense. And I understand your version of the circumstances, but, you know, I put a lot of weight on the recommendations from our police department, because they deal with this a lot, and I also put weight on the owner's comments. But however, you can take your license anywhere and use it, so, you know, so we have to consider the fact that, yes, she's working for you, and everything's going great. You say everything's great, but in a month, she could work somewhere else, and the arrangement could be different. The support mechanism could be different. So, Alder Siebers?

Alderson William Siebers (District 1) 24:45

Yeah, I just want to make a comment to what you said. Her first offense '95. Her second offense '02. Her third offense, I'll say '07. To me that suggests a pattern, and then all of a sudden, nothing. Now, maybe she's going, maybe she's starting another pattern, I don't know, but I'd sure like to know more about, you know, the blood alcohol level. If you said point 035 is one beer?

Cindy Reed (Applicant) 25:28

About that. Yeah, I'm 110 pounds.

Alderson William Siebers (District 1) 25:30

Okay, that's one thing I'd like to check.

Alderson Chris Croatt (District 14) 25:38

Okay. I mean, I don't want to get into a debate with you, Alder Seibers, about the timeline of events, but there's big gaps in the past history. I mean, '95 to '02 is a big gap. '02 to '07, is five years. Yes, '07 to 2024, is a long time. I totally acknowledge that. But again, that doesn't mean that, you know, there wasn't the potential for something there. But I don't, I don't want to accuse—to say that. But Alder Schultz, go ahead.

Alderson Alex Schultz (District 9) 26:06

Thank you, Chair. I mean, I guess I tend to agree with those gaps. But we're also talking about a blood alcohol content of point 026, on this last defense, versus something else. Now, if I were pulled over again, as my colleague stated, with a point 026, we'd on our way with a "Hey, watch yourself. Got some alcohol in your system."

Alderson Alex Schultz (District 9) 26:26

You know, as my colleagues have said, we struggle with this sometimes, and typically it's a three- or five-year gap, and we're thinking, at what point does this drop off a record? This is 17 years ago. That seems like an awfully long time for non-occurrence, no conflict with law, and then also to be doing what you've been doing without issue. And then I think the second thing that I think helps us a little bit is when we get individuals to come in here and argue on your behalf, or give us some kind of context for your behavior and how you are as an employee and how valuable you are. I'm going to base my recommendation, when we get to it, on that input, because it seems to me that's more important than this fact that you were pulled over for something not relating to serious intoxication, from what I understand, a hazard to anybody on the road, but for something non-consequence, for like, you know, occluded plates and then resulting in this, this really low blood alcohol content.

Alderson Alex Schultz (District 9) 27:33

I understand where the state's coming from. I understand why we have this rule at four, five and six. Driving while intoxicated is incredibly dangerous, and it's important for us to control it and do what we can to mitigate it. But I don't feel like that's what we're dealing with here. So, I just appreciate that you're telling us your particular situation, and I also appreciate those who have come here to appear on your behalf.

Alderson Chris Croatt (District 14) 28:01

Thank you. All right. Alder Siebers, you had commented that you wanted to learn more about something. I think the content.

Alderson William Siebers (District 1) 28:11

Well, I—

Alderson Chris Croatt (District 14) 28:12

Are you comfortable with voting?

Alderson William Siebers (District 1) 28:16

No, I'm not.

Cindy Reed (Applicant) 28:18

Sir, they do have a—it's a guideline. It's a guideline. It's on, it's on a website for, um, alcohol drinks per hour, weight, gender.

Alderson William Siebers (District 1) 28:30

It's on—?

Cindy Reed (Applicant) 28:31

Yeah, um, I forget what it's called. I just had it.

Alderson Chris Croatt (District 14) 28:35

Attorney Buruin, you want to comment. I see you looking like you want to.

Zak Buruin (Assistant City Attorney) 28:38

I'm very familiar with the chart she's referring to. It's a blood alcohol concentration chart. There are various versions of it. There's one the DOT uses, and then just about every university in the whole country has their own that they put out. They're usually pretty close. I will caution the committee about going that direction with things, because in my experience, prosecuting OWI is my experience working with both the hygiene lab and the crime lab over the years, blood alcohol concentration, elimination, absorption, those are all highly individual, highly specific to individual people, individual circumstances, coming down to what they had to eat, how much they had to drink, the order and spacing of their beverages.

Zak Buruin (Assistant City Attorney) 29:25

I would urge the committee to focus upon the rehabilitation aspect, since that is the question. I understand the concerns regarding the blood alcohol concentration, but the legislature has determined that is a felony and that that is a disqualifier unless rehabilitation has been shown. So, I would urge the committee to focus upon the rehabilitation aspect, and I can certainly return the documentation related to that so the committee can review anything extra they'd like to see, because that is the perfect question.

Alderson Chris Croatt (District 14) 29:54

Okay, thank you. Yeah, I feel like that, maybe that, call it argument, was more appropriate. For a case involved, involving the fourth OWI versus for this committee on the license. Okay, anyone else? Do we need some time to re review documents?

Alderson Alex Schultz (District 9) 30:11

I guess I'd like to understand is this rehabilitation shown after the fourth offense? Is that we're talking about whether this fourth offense, which is leading this individual to be recommended, recommendation for denial of a license, this is what we're asking for proof to be really rehabilitated from?

Zak Buruin (Assistant City Attorney) 30:29

Rehabilitation from this offense, that is the single biggest component of it, because this offense by itself is disqualifying as a felony. There is the habitual law offender portion of it, but given—just realistically, given what's happened in between, if there's rehabilitation subsequent to the fourth offense, unless there's some kind of unusual circumstance I'm not thinking of, it seems logical that rehabilitation could be inferred going to the other ones as well. So, it really—it is the fourth offense, the rehabilitation from this offense, but that's going to impact both this offense individually and the habitual offender logically speaking.

Alderson William Siebers (District 1) 31:22

May I ask a question?

Alderson Chris Croatt (District 14) 31:23

Sure, go ahead, Alder Siebers.

Alderson William Siebers (District 1) 31:26

You participated in individual sessions. How many sessions were those?

Cindy Reed (Applicant) 31:34

Two.

Alderson William Siebers (District 1) 31:35

Two. For the purpose of assessing whether you have a problem or not?

Cindy Reed (Applicant) 31:41

Correct.

Alderson William Siebers (District 1) 31:42

What was the—what was the outcome of that?

Cindy Reed (Applicant) 31:45

The outcome was, I did not have a problem with drinking and driving, that I was being honest with her on the up and up, that I had gone through rehab—or the outpatient treatment 17 years ago. We discussed things that I do, things that I don't do, what do I do in my spare time, do I feel like drinking? She understands—she believed me.

Alderson William Siebers (District 1) 32:11

Did she give you any recommendations?

Cindy Reed (Applicant) 32:14

No, just to keep moving forward and doing what I'm doing, and to be try to be more mindful that every time you take that Little Dixie cup with your Vi—Vick's NyQuil, you better have the non-alcoholic or don't get behind the car, because that's exactly how this happened. Many people believe that NyQuil cannot bring you to a legal intoxication, probably not a point 08, probably not. A point 02, it absolutely can, and it did.

Alderson Chris Croatt (District 14) 33:17

I hadn't reviewed these. Just give me a minute, please.

Alderson William Siebers (District 1) 33:27

May I ask a question?

Alderson Chris Croatt (District 14) 33:28

Sure. Go ahead.

Alderson William Siebers (District 1) 33:29

When did you—when did you go to treatment?

Cindy Reed (Applicant) 33:32

When?

Alderson William Siebers (District 1) 33:33

Yeah.

Cindy Reed (Applicant) 33:36

See, that third was in 2007. I'm gonna say it was the year of 2008 because, I believe—

Alderson William Siebers (District 1) 33:43

And how long was the treatment?

Cindy Reed (Applicant) 33:45

The treatment program itself was nine months long. It consisted of individual sessions and group, but I continued to see this woman for five years afterwards on a regular basis, once a month or so just to make sure I was thinking clear, like I thought I was. She was a wonderful woman. She's retired now.

Alderson Chris Croatt (District 14) 34:15

Okay, thank you. I think that's all the questions for you. So, thanks for your answers.

Zak Buruin (Assistant City Attorney) 34:22

I have one factual piece of information that may be useful.

Alderson Chris Croatt (District 14) 34:24

Sure, go ahead.

Zak Buruin (Assistant City Attorney) 34:26

Last thing, since it's come up a few times, the cold medicine in particular, assuming this was actual NyQuil, I've done a search, and according to their own information, the alcohol concentration in the standard NyQuil is 10%. So.

Alderson William Siebers (District 1) 34:46

Can I—I'm sorry.

Alderson Chris Croatt (District 14) 34:48

Go ahead.

Alderson William Siebers (District 1) 34:49

We were told not to go that route. Now you're going that route.

Zak Buruin (Assistant City Attorney) 34:52

It's come up. I would urge—it can weigh into what's been what's been said and how the committee considers rehabilitation, but because that's been put out there as a factual consideration, I wanted to add that additional factual contest. I still urge the committee to focus on the rehabilitation and only consider any of that insofar as it relates rehabilitation.

Alderson Chris Croatt (District 14) 35:17

Thanks. Miss Reed, do you have copies of this, or do you want this? I mean, we can make copies and give this back to you if you want to keep cop—keep the originals. Or...?

Cindy Reed (Applicant) 35:28

I would like to keep the originals.

Alderson Chris Croatt (District 14) 35:30

Okay, can we have someone or is that—?

Zak Buruin (Assistant City Attorney) 35:32

I'll have to do it between meetings.

Aldersonperson Chris Croatt (District 14) 35:34

Okay, okay, yeah, because if she wants some of this back.

Cindy Reed (Applicant) 35:39

If you want to make a copy—

Aldersonperson Chris Croatt (District 14) 35:41

We just don't have anybody right now that can do it.

Cindy Reed (Applicant) 35:42

—mail it to me and mail it to me, that's fine too. I trust you.

Aldersonperson Chris Croatt (District 14) 35:45

Okay, okay, we'll try to get it back to you. If you just stay for a little bit, we'll give him a chance to go do that. Okay, I think we're finished with the questions. We do have a motion and a second on the table to deny the license. Correct, Attorney Buruin?

Zak Buruin (Assistant City Attorney) 36:01

That is the current motion.

Aldersonperson Chris Croatt (District 14) 36:02

Okay.

Aldersonperson Chris Croatt (District 14) 36:04

You're withdrawing your second? Well, is the—I believe the proper process is the mover has to withdraw. So why don't we—why don't we take action on what's on the table, and then, if that—are you okay with that? Okay? So, all those in favor of denying the application signify by saying aye. I was a one. I was an aye vote there. So that fails.

Aldersonperson Alex Schultz (District 9) 36:04

Pull my second.

Zak Buruin (Assistant City Attorney) 36:07

The chair was an aye?

Aldersonperson Chris Croatt (District 14) 36:36

The chair was an aye on the original motion. So that fails. So now we don't have a motion. So now we need a motion.

Aldersonperson William Siebers (District 1) 36:43

What would be the proper motion?

Aldersonperson Chris Croatt (District 14) 36:45

Motion would be to approve the license based on—and I believe, a guidance from the attorney, and I don't want to speak for him, but would be that you accept the factual information as evidence of rehabilitation. Does that seem like an accurate...?

Zak Buruin (Assistant City Attorney) 37:02

Um, the motion would be specifically to approve the license, and as parcel to that, there would be a finding of rehabilitation.

Alderson William Siebers (District 1) 37:16

Move for approval.

Alderson Denise Fenton (District 6) 37:17

Second.

Alderson Chris Croatt (District 14) 37:17

Okay, motion and a second to approve the license. Any final comments or discussion? Okay, all those in favor of approving the license signify by saying aye.

Aldersons Siebers, Fenton, and Schultz 37:28

Aye.

Alderson Chris Croatt (District 14) 37:29

All opposed? Nay. Three, one. So, this will go—so how the process works is this will go as a recommendation to the full city council. A week from today, we will meet in this room at seven o'clock and take up your item. that will be the final vote. So, nothing is final until the whole council votes on this. You are encouraged to come. You can speak, if you'd like to address the full body. You do have to come a little bit early and sign up ahead of time. There's a sheet in the back of the room. I'd recommend 6:45, just show up. I can watch for you, or someone on the committee can watch for you. And so, during public participation, you will get an opportunity to make your comments. You don't have to. Just want to make sure you know what all your options are. You have any questions? Okay.

[Cindy started to speak off microphone.]

Alderson Chris Croatt (District 14) 38:22

Oh, yeah, if you could—

Alderson Denise Fenton (District 6) 38:23

Yeah. So, we—

Alderson Chris Croatt (District 14) 38:27

And I think we're going to need the clerk here for this one, but maybe you can handle it. Yeah.

Cindy Reed (Applicant) 38:31

Because I was in the process of renewing the bartending license, I did get the provisional, because she said it would maybe be a couple of weeks.

Alderson Chris Croatt (District 14) 38:41

Yep, and the—

Cindy Reed (Applicant) 38:42

Am I allowed to work right now while this is under appeal?

Aldersonperson Chris Croatt (District 14) 38:46

Okay, is the provisional—how long is it good for?

Cindy Reed (Applicant) 38:47

The provisional expired on August 27.

Zak Buruin (Assistant City Attorney) 38:52

The provisional expired, which means there is no valid license at this time. The license isn't necessarily required to tend bar, but to be the—

Aldersonperson Chris Croatt (District 14) 39:00

Alone.

Zak Buruin (Assistant City Attorney) 39:01

There needs to be a licensed bartender present.

Cindy Reed (Applicant) 39:04

Okay.

Zak Buruin (Assistant City Attorney) 39:04

So as long as there's a licensed bartender present, you can still work while this is pending, and when the committee or if the council approves a license, you can resume working as a licensed bartender as soon as the clerk issues the license, which would typically happen the next day.

Cindy Reed (Applicant) 39:20

Okay, but as it's pending now, that's—

Aldersonperson Chris Croatt (District 14) 39:23

Right, and this is the process. So—and there's no real way to speed that up, because it does have to go to the full body. So, the soonest you could—if the council approves your license application, you could come in on Thursday morning and get your—right there, across the way—and get your license.

Cindy Reed (Applicant) 39:41

In all honesty, do you guys pull a lot of weight at that meeting?

Aldersonperson Chris Croatt (District 14) 39:44

Well, I'm going to say this. So, we're not going to predict anything, but I'm going to say that usually committee recommendations carry substantial weight, but I would encourage you to come, and if you're comfortable speaking in front of the full body, that's probably encouraged. Um, yeah.

Cindy Reed (Applicant) 40:02

And that is one week from today?

Aldersonperson Chris Croatt (District 14) 40:04

Yep, seven, seven o'clock. Council Chambers.

Cindy Reed (Applicant) 40:08

Be there at 6:45. Thank you very much.

Aldersperson Chris Croatt (District 14) 40:09

Okay, thanks for coming. Thank you for coming and speaking. And you can come as well if you want to make comments on her behalf. Yeah, I'll leave it at that. It does sometimes help.

Zak Buruin (Assistant City Attorney) 40:21

And if you can stick around, I'll try and get you your—

Aldersperson Chris Croatt (District 14) 40:23

Yeah.

Zak Buruin (Assistant City Attorney) 40:24

—paperwork back.

Aldersperson Chris Croatt (District 14) 40:24

Yeah. We should be able to get through our agenda. The rest of our agenda pretty quick here, and then we'll— Zak can go make copies.