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TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 9/16/2024

RE: Supplemental Report for the Police Department’s Recommendation for Denial of
Crystal Williams’ Bartender License Application

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Crystal Williams’ application for a Bartender license. This document is a supplement report with further information pertaining to Ms. Williams’ criminal history.

Pursuant to Wis. Stat. §111.335(2)(b) and (3)(a), it is not employment discrimination for a licensing agency to deny an applicant based on an arrest or conviction record where the circumstances of the conviction substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(a)1., no license or permit related to alcohol beverages may be issued to an individual with an arrest or conviction record where the circumstances of the record(s) substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(b), no license or permit related to alcohol beverages may be issued to a “habitual law offender” where the circumstances of the habitual law offenses substantially relate to the circumstances of the particular licensed activity.

Also pursuant to Wis. Stat. §111.335(4)(c), if the licensing agency refuses to license an individual based upon arrest or conviction record, the applicant is allowed an opportunity to show “evidence of rehabilitation and fitness to engage in the licensed activity,” *unless the conviction(s) are for “exempt offenses.”* Wis. Stat. §111.335(4)(d) provides the following options that the applicant may produce to conclusively demonstrate their rehabilitation and fitness from a given conviction:

A copy of the local, state, or federal release document; and either

- (1) a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or
- (2) other evidence that at least one year has elapsed since release from any local, state, or

federal correctional institution without subsequent conviction of a crime along with evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.

Additionally, the licensing agency must consider any of the following evidence if presented by the individual:

- (1) Evidence of the nature and seriousness of any offense of which he or she was convicted.
- (2) Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense.
- (3) The age of the individual at the time the offense was committed.
- (4) The length of time that has elapsed since the offense was committed.
- (5) Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution.
- (6) All other relevant evidence of rehabilitation and present fitness presented.

STATEMENT ON SUBSTANTIAL RELATIONSHIP

As noted in my previous denial recommendation letter, Ms. Williams was convicted of Battery in Outagamie County under case # 2019CM000863. Additionally, she pleaded guilty to Battery Due to No Contest Plea in Outagamie County under case # 2021CF000866. Because these convictions are "exempt offenses" under Wis. Stat. §111.335(1m)(b), there is no requirement for the licensing agency to state the substantial relationship between the circumstances of the offenses and the licensed activity in writing, or to allow the individual an opportunity to show rehabilitation and fitness to engage in the licensed activity. Based upon these records alone, Ms. Williams does not meet the statutory eligibility criteria to be granted an operator/bartender license.

Ms. Williams is on probation for case # 2021CF000866 with one of her probation rules stating she shall not possess or consume alcohol. Ms. Williams also was convicted of Possess Open Intoxicants in Motor Vehicle – Driver in Winnebago County case # 2023TR002565.

Based upon the above record and reasoning disqualifying Ms. Williams from license eligibility, it is recommended that her application be denied.

Very Respectfully:

Lt. Ben Goodin
Appleton Police Department