

Item 24-1496: Operator License for Katherine Neubert

Item 24-1126: Operator License for Kelly Arndt

Safety and Licensing Committee

Wed, Jan 08, 2025 5:30PM

Aldersperson Chris Croatt (District 14) 01:17

Okay, moving on to public hearings or appearances. There is nothing scheduled or listed there. We're going to take our action items in the order that they're on the agenda based on who's present today. So, if we skip one, will take it up at the end. Kelly Arndt is not here, correct? Kelly Arndt? Okay. We're going to skip that and go to 24-1496, which is the operator license for Katherine Neubert. Katherine is present. Okay. We have your application. We have the clerk's issue—clerk's issued letter. We have the denial letter and a follow up document as part of our packet. Anything from staff to start this off? Clerk or Attorney's Office? Maybe Attorney Buruin, you can explain the memo and the options for the committee, please, since these are sometimes—the options are a little bit different sometimes. District five should be on.

Zak Buruin (Assistant City Attorney) 02:25

So, there was an additional memorandum from myself that was filed which essentially sets out, in pretty exhaustive detail, the situation, but what it boils down to is this is one of those rehabilitation situations. So, by default, the applicant's criminal record leaves her ineligible for licensure, but based on the nature of the offense and the reason for exclusion, she does have the opportunity to provide the committee and Council with evidence of rehabilitation. And again, the specifics of how that works are set forth within the memorandum. I think everybody's fairly familiar with them. There are some that the committee and council would be required to accept. There are some that the committee and Council are required to consider but not necessarily that would be dispositive. So, this would be an opportunity for Miss Neubert to provide any evidence of rehabilitation that she may have to present, and if she's unable to do so, the committee could either give her more time to do that, or failing that, I believe that the committee would be obligated to recommend denial of the application.

Aldersperson Chris Croatt (District 14) 03:35

Okay, thank you for that. Miss Neubert, would you like to address the committee? Please—yeah, please come to the podium and use the microphone and give your name and address for the record, please.

Katherine Neubert (Applicant) 03:48

And—

Aldersperson Chris Croatt (District 14) 03:50

There we go.

Katherine Neubert (Applicant) 03:50

And my name is Katherine Neubert, and my address is [XXXXXX]. As far as evidence I have—I didn't know that I was supposed to bring that with me today. My original denial letter that I received in the mail was not my denial letter, it was somebody else's. So I recently just got an email with my denial letter. So, I am not prepared on that. So, I don't have any physical evidence, but I think it's on record in the courts that I went through several AODA assessments as a result from my third conviction. I was also on probation and followed all of the steps and guidelines that she, my probation officer, requested. And I also do currently have a operator's license in the—in

Hortonville, Town of Hortonville, I think it is, Village of Hortonville, and have maintained that since my last conviction, without any incident or police contact.

Alderson Chris Croatt (District 14) 04:54

Okay, sounds like there may have been some sort of mix up with a mailing. I'm not sure what happened there. Are you requesting additional time to provide documentation?

Katherine Neubert (Applicant) 05:08

Yes. Yeah, I guess.

Alderson Chris Croatt (District 14) 05:10

Okay, and what—how long do you think that you would need for that? Our committee meets every two weeks.

Katherine Neubert (Applicant) 05:15

Okay, I can have it ready in two weeks.

Alderson William Siebers (District 1) 05:19

I move that we hold this for two weeks, next meeting.

Alderson Chris Croatt (District 14) 05:23

Okay, we have a motion a second to hold this for two weeks with the intention of you providing the committee some level of evidence of rehabilitation.

Katherine Neubert (Applicant) 05:31

Okay.

Alderson Chris Croatt (District 14) 05:32

Okay, any comments, questions, concerns?

Katherine Neubert (Applicant) 05:37

Do I bring that with the to the next meeting, or do I provide it in advance?

Alderson Chris Croatt (District 14) 05:42

You can bring it to the next meeting. Attorney's Office or Clerk's Office, is there an opportunity to provide it ahead of time so it becomes part of the packet? Clerk Lynch, what microphone do you have? Four? Okay, go ahead.

Clerk Kami Lynch 05:54

I can have a staff member reach out to you so that you have an email address to provide that too, if you can provide it in advance. Otherwise, if you don't have it in advance, that's fine. You can bring it here, but at least you'll have the opportunity to.

Alderson Chris Croatt (District 14) 06:06

It helps the committee if we have it in advance, because then we can review it before we meet—

Katherine Neubert (Applicant) 06:10

Okay.

Aldersonperson Chris Croatt (District 14) 06:11

—and individually and be prepared for the meeting.

Katherine Neubert (Applicant) 06:14

Yeah, I'll know for sure—like it might take time, depending on that, if I don't—if I can't get it by next Wednesday, can I postpone to, like, another two weeks out or?

Aldersonperson Chris Croatt (District 14) 06:24

Well, we're gonna, we're gonna push it—if this goes through, we'll hold it until our next regularly scheduled meeting, and then we can act on it again at that time.

Katherine Neubert (Applicant) 06:31

Okay.

Aldersonperson Chris Croatt (District 14) 06:32

So, two weeks from today is—what date would that be? I'm just pulling up my phone here.

Katherine Neubert (Applicant) 06:37

22nd.

Clerk Kami Lynch 06:37

22nd.

Aldersonperson Chris Croatt (District 14) 06:38

Yeah. Okay, so we're gonna—the motion—was that the motion to hold it until the 22nd? Okay. And then at that time, if more information—or more time is needed, committee can decide to take action again. Attorney's Office, anything?

Zak Buruin (Assistant City Attorney) 06:55

I'm going to provide the applicant a copy of the memorandum that I filed, in large part, because I think there may be some information she'd find useful regarding what she can provide. It sets it out. It's public record so I'm not giving her any advice that isn't available just by pulling that public record. So, I'll do that before she leaves here.

Aldersonperson Chris Croatt (District 14) 07:12

Okay, and since it was mentioned, are you aware of a mix up in a mailing or anything like that? You said you received someone else's denial.

Katherine Neubert (Applicant) 07:19

I did. You had somebody's name and info on.

Aldersonperson Chris Croatt (District 14) 07:23

I'm not sure if you want to learn more about that or not?

Clerk Kami Lynch 07:25

I apologize for that. This is the first I'm hearing of it, so I'll follow up with staff to see what happened.

Katherine Neubert (Applicant) 07:30

Yup. She emailed me my copy, but it was very delayed.

Clerk Kami Lynch 07:31

Okay.

Aldersperson Chad Doran (District 15) 07:33

Okay.

Clerk Kami Lynch 07:34

Thank you.

Aldersperson Chris Croatt (District 14) 07:34

Okay, thank you for sharing that. Okay, any final comments, questions on that? All right, on the motion to hold for two weeks until the 22nd all those in favor signify by saying aye. All opposed? Any abstentions? Five zero. That will be held until then. So.

Katherine Neubert (Applicant) 07:50

Thank you.

Aldersperson Chris Croatt (District 14) 07:51

Okay, thanks.

Aldersperson Chris Croatt (District 14) 07:55

All right, Kelly Arndt did you come in? Okay. All right, we'll move back up to the item 24-1126 which is the operator license for Kelly Arndt. We have the application, we have the clerk's letter, we have the Appleton police department response letter, we have the appeal memo, and then we have an updated document. I will start with the attorney's office on this one, because it may be a little bit different, one of those different scenarios, correct?

Zak Buruin (Assistant City Attorney) 08:26

Correct. It's different from when we were here originally. The memorandum that I filed—I believe I filed....

Aldersperson Chris Croatt (District 14) 08:36

Yeah, the last document is the one with the most current recommendation or information that the committee needs to get.

Zak Buruin (Assistant City Attorney) 08:48

So, my December 13 recommend—or memo essentially sets it out. We're in a very similar situation, at least for the time being the last individual. There is a conviction which would leave us in a situation of there being a disqualifying criminal record or criminal and/or arrest record. There is the opportunity for demonstration of rehabilitation, as set forth in the memorandum, again, very similar to that. This is all subject to change as the other matter, or if and as the other matter comes to its conclusion, depending on what the conclusion of that is. But with the information at this point, available, at this point, this is going to come down to whether or not rehabilitation can be demonstrated in the manner set forth by the statute.

Aldersonperson Chris Croatt (District 14) 09:36

Okay. All right. Miss Arndt, would you like to address the committee and respond to that? You need to come to the podium and use the microphone, and please start by giving your name and address for the record.

Kelly Arndt (Applicant) 09:45

Hi. Kelly Arndt, [XXXXXX]. I'm already in treatment. Voluntarily, I put myself in treatment for almost, I would say, six months now, and I have documents and letters. If you guys would like to hold this until the next meeting, I can provide all those documents and letters from my treatment counselor and from my lawyer and everyone else. I didn't currently have those because I was under the impression that you guys were granting this in my motion. So, I didn't have those letters prepared with me. If you guys are willing to wait, I will have them here at the next meeting.

Aldersonperson Chris Croatt (District 14) 10:19

Okay, if you don't have anything to present and the committee wants to entertain that, I would need a motion on that.

Aldersonperson William Siebers (District 1) 10:30

Well, I'll—

Aldersonperson Chris Croatt (District 14) 10:32

Go ahead.

Aldersonperson William Siebers (District 1) 10:38

I move that we hold this for two weeks.

Aldersonperson Chris Croatt (District 14) 10:40

Until the 22nd?

Aldersonperson William Siebers (District 1) 10:41

Yes.

Aldersonperson Chris Croatt (District 14) 10:42

Okay. For the reasons of allowing the applicant to deliver information relative to rehabilitation. Okay. Just want to be clear on our reasoning for holding. Is there a second?

Aldersonperson Alex Schultz (District 9) 10:52

Second.

Aldersonperson Chris Croatt (District 14) 10:53

Okay, we have a second by Alder Schultz. Comments? Questions? Alder Doran.

Aldersonperson Chad Doran (District 15) 10:59

Just a question for the attorney then. Based on the information provided, the—we still have the option to approve the license based on the applicant's ability to provide rehabilitation, correct? Even though the conviction states that would make her ineligible?

Zak Buruin (Assistant City Attorney) 11:19

Yes, the convictions—many convictions, are going to leave somebody ineligible. Some of them—and this is one of the situations—the conviction that is in place in this case, that ineligibility is subject to the ability to show rehabilitation. So, at this point, not having provided any documentation regarding rehabilitation, she is ineligible. If she provides that, depending on what type of evidence it is, if it's of the type that the statutes say the committee and the Council have to accept, then she would have to be granted the license. If it's within the realm of the things that the committee is required to consider but not necessarily accept, then there would be a discretionary ability to grant or not.

Alderman Chad Doran (District 15) 12:03

Thank you.

Alderman Chris Croatt (District 14) 12:03

Okay, everyone clear? All right, we have on the—Alder Fenton, anything? Okay, all right. We have on the table a motion to hold similar to the previous item until our next meeting, which is the 22nd. Any final comments? Questions? Seeing none—okay, Alder Schultz?

Alderman Chris Croatt (District 14) 12:03

Okay.

Alderman Alex Schultz (District 9) 12:24

Yeah, thank you, chair. I just—there are some ongoing issues with the applicant, and one of which is a jury trial scheduled for April 25. Does that, the outcome of that, in any way impact what we're trying to base our decision on at this point, or do we make our decision and whatever happens at that trial just changes the nature of...?

Zak Buruin (Assistant City Attorney) 12:50

We're not in a position to consider that at this point. There's not enough information to consider the facts of it. The conviction itself could become an issue later on, if there is one. That all assumes how that goes, but that's something that we'll have to keep track of and deal with when and if it becomes an issue. But for the time being, it's not.

Alderman Alex Schultz (District 9) 13:06

Thank you, Chair. Thank you.

Alderman Chris Croatt (District 14) 13:07

Okay. All right. Anything else, anyone? Not seeing anyone. Okay. All those in favor of holding until our next meeting on the 22nd signify by saying, aye. All opposed? All right, five zero. We will hold that one as well. So, see you in two weeks.

Kelly Arndt (Applicant) 13:23

Thank you.

Alderman Chris Croatt (District 14) 13:24

Yep.