Item 24-1496 Operator License for Katherine Neubert Safety and Licensing Committee

Wed, Jan 22, 2025 5:30PM

Alderperson Chris Croatt (District 14) 06:39

Okay. Next on the agenda is the operator license for Katherine Neubert 24-1496, similar situation. Additional documentation is part—is included in our packet. Do you want to cover—does anyone want to cover the documentation that was provided and exactly what that is representative of?

Zak Buruin (Assistant City Attorney) 07:02

I can cover that.

Alderperson Chris Croatt (District 14) 07:03

Go ahead Attorney.

Zak Buruin (Assistant City Attorney) 07:04

So, what's been provided is documentation from the Department of Corrections. And I should say that I don't know that this is specifically the documentation contemplated by the statute. So, I think in the most technical sense, this does not necessarily meet the requirement that the committee would be required to recommend approval. Having said that, substantively, this does appear to be equivalent to it and with what information I've been able to provide or locate, I have seen no reason to believe that she wouldn't be able to provide the required documentation if she knew precisely what it was. And the statutory language is a little imprecise.

Zak Buruin (Assistant City Attorney) 07:41

So, by way of short cut, I'll indicate this, this may not require the committee to grant the license or recommend granting the license, but I believe there's sufficient information here that the committee could, within its discretion, grant it anyway, especially knowing that the documentation that would require the granting of the license almost certainly does exist.

Alderperson Chris Croatt (District 14) 08:04

Okay. Questions from committee members? Is that clear, Alder Schultz?

Alderperson Alex Schultz (District 9) 08:11

It is. Sorry, just give me one second.

Alderperson Chris Croatt (District 14) 08:15

We do need a motion on this to get it on the table.

Alderperson William Siebers (District 1) 08:18

Move for denial.

Alderperson Denise Fenton (District 6) 08:20

Second.

Alderperson Chris Croatt (District 14) 08:21

Okay, motion and a second to deny this operator license. Continued discussion? Comments? Alder Doran.

Alderperson Chad Doran (District 15) 08:29

I guess, just maybe by way of clarification, so we—the documentation could be provided to the committee that would require us to grant the license.

Zak Buruin (Assistant City Attorney) 08:45

I don't know that with 100% certainty, but based on this documentation, what information I was able to glean from DOC information that I have access to, she would be able to. And while in the technical sense of the term, she hasn't provided the documentation that would require it, this is, in terms of the information provided within this document, covers all of the same bases, with the exception of not documenting violations. That's what I was able to verify on my own. There's no documentation of violations that I could locate. Probation holds things like that that would reset the clock for her to get that license. So that's why I say she would be able to provide it in all likelihood.

Alderperson Chris Croatt (District 14) 09:33

Okay, and I—Miss Neubert, did you just arrive? Okay. We are actually taking up your item right now. We do have a motion and a second on the floor to deny your license. We were discussing the additional documentation that was provided. Is there anything that you'd like to add at this point? I know you came in kind of in the middle of the discussion, but we're talking about the rehabilitation, the proof of rehabilitation. Please use the microphone at the podium and give your name and address for the record. And thanks for coming.

Katherine Neubert (Applicant) 10:02

Katherine Neubert, **[XXXXX]** Appleton, Wisconsin 54913. As far as the documentation, it took me until yesterday to get it because I was contacting my probation officer, and that's the only thing that they could do without speaking to my probation officer. I did leave numerous voicemails for her and text, because that was her preferred contact when I was on probation. So that was the only thing that they could give me without actually speaking to her. I did call. I spoke to, I think her name is Abigail, at the Clerk's Office, City Clerk, and she said that that should have been enough, just saying that I, like, that I finished my probation.

Alderperson Chris Croatt (District 14) 10:50

Okay, so do you have—you don't have any additional documentation to provide.

Katherine Neubert (Applicant) 10:54

No, not at this time. No.

Alderperson Chris Croatt (District 14) 10:55

Okay. Okay. All right, because the only—the on—the document that was referred to earlier is this document from the DOC, Attorney? Two-page document that was in our packet.

Zak Buruin (Assistant City Attorney) 11:09

That is what I'm aware of. It looks to be a print out from whatever their online system is. I don't know what kind of formal document they have that would provide that to document the lack of—the only thing that's not specifically documented here is the lack of violations during the course of the period of supervision. That would essentially reset the waiting period. So, the committee could certainly ask her about that. But as I indicated, using the DOC locator that I have access to, which would give me indications of probation holds, things rising to that level that are documented, which I've relied upon pretty extensively both with the city and then previously at the DA's office, there's nothing that rose to that level, nothing that was documented. So, I don't see any indication that she would not be eligible.

Alderperson Chris Croatt (District 14) 11:56

Okay, all right. Thank you for that. Alder Hartzheim, go ahead. Which? 13 should be on.

Alderperson Sheri Hartzheim (District 13) 12:04

Thank you, Chair. Might I direct my questions to Attorney Buruin?

Alderperson Chris Croatt (District 14) 12:07

Yes.

Alderperson Sheri Hartzheim (District 13) 12:08

Attorney, you're stating that there might be further documentation just based on what you have found. And Alderman Doran's question was, is that a with that information this committee must approve, or they have the option to approve?

Zak Buruin (Assistant City Attorney) 12:29

With that information—I should say, with the documentation, specifically, the license would be required to be granted.

Alderperson Sheri Hartzheim (District 13) 12:39

Okay, thank you. That's what I wanted clarification on.

Alderperson Chris Croatt (District 14) 12:41

Okay, thank you for that clarification. However, we don't have that documentation, so this committee can do a number of things with this item tonight—correct?—including what's on the table or hold or...?

Zak Buruin (Assistant City Attorney) 12:54

Based on my understanding of what this document is and what it is not, that is correct.

Alderperson Chris Croatt (District 14) 12:58

Okay, all right. Thank you. Other questions? Alder Doran.

Alderperson Chad Doran (District 15) 13:02

I don't want to put you on the spot, but, Chief Olsen, anything from the police department's perspective here that you'd like to add? And if you don't, that's fine. I just—okay. Okay. Appreciate that. Thank you.

Alderperson Chris Croatt (District 14) 13:17

Thank you. I was going to ask—

Katherine Neubert (Applicant) 13:18

Can I ask a question?

Alderperson Chris Croatt (District 14) 13:20

Yes, go ahead.

Katherine Neubert (Applicant) 13:21

What kind of—like, what do you want this document to say? Like...?

Zak Buruin (Assistant City Attorney) 13:28

It would essentially be your discharge documentation from the Department of Corrections. I don't know. I presume you would get something when you are—when your supervision is discharged at the end of your supervision term, indicating that you've successfully completed probation, something that's more of an official document than a printout. I think this contains the same information that would likely be there. It's just not the exact same document.

Katherine Neubert (Applicant) 13:56

Yeah, so I do know somebody that does do probation (not my probation officer), and they said that they used to send those out when you completed probation, but they don't do that anymore.

Zak Buruin (Assistant City Attorney) 14:06

Who is your probation officer?

Katherine Neubert (Applicant) 14:07

Shannon Hein. She's located on the Grand Market one.

Zak Buruin (Assistant City Attorney) 14:14

Okay. Yeah.

Alderperson Chris Croatt (District 14) 14:19

Okay. Other questions? Alder Schultz, go ahead.

Alderperson Alex Schultz (District 9) 14:24

Miss Neubert, what what's the duration of your probation? How soon are you—?

Katherine Neubert (Applicant) 14:28

I'm done. It does say on that document that I was done. I was done, not this past July, but July before. And I never sat time. I know that's my word against whatever, but I never sat time, like...

Alderperson Alex Schultz (District 9) 14:42

So, if you had some additional time-

Katherine Neubert (Applicant) 14:44

What?

Alderperson Alex Schultz (District 9) 14:44

If you had additional time, you could pursue some this additional documentation that would help us make this decision.

Zak Buruin (Assistant City Attorney) 14:50

That's—and I will say that if it is in fact the case that they don't provide any documentation beyond this—which I don't know that to be true one way or the other. But if that is the case, and this is the best documentation available, then I think this documentation would require the license to be granted. If that is the case. But—

Katherine Neubert (Applicant) 14:50

Okay.

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Alderperson Chris Croatt (District 14) 15:11

Okay.

Zak Buruin (Assistant City Attorney) 15:11

—I think we'd need information from DOC about that, and that would be something she'd be responsible [...]

Alderperson Chris Croatt (District 14) 15:15

Yeah. And I think this committee would need clarity as to what direction we should or have to go in. Alder Fenton, did you want to add?

Alderperson Denise Fenton (District 6) 15:23

I had a question, and either Attorney Buruin or the applicant could answer this question. Was a treatment program or any kind of alcohol recovery counseling part of probation?

Katherine Neubert (Applicant) 15:42

So, I had to complete—I was court ordered to complete a driver safety program, which I did, and an AODA assessment, which I had to complete both of those, otherwise I wouldn't be off probation.

Alderperson Denise Fenton (District 6) 15:53

And may I ask, are you sober now?

Katherine Neubert (Applicant) 15:57

Yes.

Alderperson Denise Fenton (District 6) 15:59

Since the-

Katherine Neubert (Applicant) 16:01

Yes.

Alderperson Denise Fenton (District 6) 16:02

—conviction? Thank you. Chair, so it sounds like we've got some fuzziness as to—and I hate to, I hate to hold this over for another time, but I also want to do exactly the right thing in terms of our duties to the city and for giving the applicant all of her legal rights. So, I would propose that we hold this again.

Alderperson Chris Croatt (District 14) 16:37

Okay.

Alderperson Denise Fenton (District 6) 16:38

And if I was the second or to the motion to deny I could—I would withdraw that now.

Alderperson Chris Croatt (District 14) 16:43

I believe you were so if that's the direction that we want to go, and I agree with you, we need to make sure that we have all of the appropriate documentation and clear guidance on what we can or cannot do.

Alderperson William Siebers (District 1) 16:58

I'll withdraw the motion.

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Alderperson Chris Croatt (District 14) 16:59

Okay, so we have no motion on the table. Now we have a new motion to hold?

Alderperson Denise Fenton (District 6) 17:03

Yes, I would make a motion to hold us until our next regularly scheduled meeting.

Alderperson Chris Croatt (District 14) 17:08

Okay, all right, which would be—do we have the date for that?

Katherine Neubert (Applicant) 17:12

Does it matter that I currently have a operator's license in a different city?

Alderperson Chris Croatt (District 14) 17:16

I don't believe it does.

Katherine Neubert (Applicant) 17:18

Okay.

Alderperson Chris Croatt (District 14) 17:18

Um, attorney does that?

Zak Buruin (Assistant City Attorney) 17:21

I don't—not—certainly, not directly, no.

Alderperson Chris Croatt (District 14) 17:24

Okay. All right.

Alderperson Denise Fenton (District 6) 17:26

So, would that be the 12th?

Alderperson Sheri Hartzheim (District 13) 17:29

I think it is.

Alderperson Chris Croatt (District 14) 17:29

Yeah, because of the next week is no meetings week

Alderperson Denise Fenton (District 6) 17:32

Because next week is a fifth week.

Alderperson Chris Croatt (District 14) 17:33

Yep. So, is that? That's the direction that this committee appears to be going is to hold this to get some clarity. May—there was a second, I believe. Alder Siebers?

Alderperson Alex Schultz (District 9) 17:47

I seconded it.

Alderperson Chris Croatt (District 14) 17:47

I'm sorry. Alder Schultz. Okay, any questions or comments on the hold? Alder Siebers.

Alderperson William Siebers (District 1) 17:55

There's another way of doing this. The other way of doing it would be to move to approve and then give the city attorney and the applicant time before our—

Alderperson Chris Croatt (District 14) 18:11

Council meeting.

Alderperson William Siebers (District 1) 18:12

—Council meeting in February.

Alderperson Chris Croatt (District 14) 18:13

I thought of that as an option as well.

Alderperson William Siebers (District 1) 18:17

And I don't know if you've got a job waiting for you or not.

Katherine Neubert (Applicant) 18:21

I do.

Alderperson William Siebers (District 1) 18:22

So, I mean that then would move it up to February—

Alderperson Denise Fenton (District 6) 18:27

fifth.

Alderperson Chris Croatt (District 14) 18:30

That's an option. We—it puts committee work on the council floor that night, at some level, which, if that's the direction the committee wants to go.

Alderperson William Siebers (District 1) 18:42

Well, I'm just trying to...

Katherine Neubert (Applicant) 18:45

I appreciate it. Thank you.

Alderperson Chris Croatt (District 14) 18:48

Okay.

Alderperson William Siebers (District 1) 18:49

It doesn't sound like this is going to be—it sounds like the information can be gotten, and once the information is gotten, it's going to be a simple vote.

Alderperson Chris Croatt (District 14) 19:02

Okay, all right. So right now, we have a motion and a second to hold this until our next committee meeting. What I'm hearing is we need clarity from Legal as to is the documentation that was provided enough to require this committee to grant.

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Zak Buruin (Assistant City Attorney) 19:26

I understand that. I will reiterate that there is enough that the committee could grant it, regardless of whether or not it's required, but, substantively, there is enough that the committee could grant the—recommend granting the license based on the information that we have, which, obviously, that's a discretionary call on the committee's part. Whether or not it's required, it's within—there's enough here that it gives the committee the discretion.

Alderperson Chris Croatt (District 14) 19:52

Okay, all right.

Alderperson Alex Schultz (District 9) 19:55

I will withdraw the second to the motion to hold.

Alderperson Chris Croatt (District 14) 19:59

Okay.

Alderperson Denise Fenton (District 6) 20:00

I'll withdraw the motion to hold.

Alderperson Chris Croatt (District 14) 20:03

Okay.

Alderperson Denise Fenton (District 6) 20:03

And that—

Alderperson Chris Croatt (District 14) 20:04

Yes, we have nothing on the table right now.

Alderperson Denise Fenton (District 6) 20:06

All right, thank you. Chair, Attorney Buruin, is it possible that we vote to approve the license conditionally on getting the final piece of information?

Zak Buruin (Assistant City Attorney) 20:21

I think the committee needs to make a decision on whether or not it's convinced of rehabilitation by the information before it at the moment. Yeah.

Alderperson Denise Fenton (District 6) 20:30

Okay, thank you.

Alderperson Alex Schultz (District 9) 20:32

Motion to approve.

Alderperson William Siebers (District 1) 20:33

Second.

Alderperson Chris Croatt (District 14) 20:34

Okay, motion and a second to approve. Any other questions comments?

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Alderperson William Siebers (District 1) 20:40

Chair.

Alderperson Chris Croatt (District 14) 20:40

Okay, go ahead, Alder Siebers,

Alderperson William Siebers (District 1) 20:44

I'm led to believe that the information does exist that would allow us to approve the license. So, you got me somewhat confused here.

Alderperson Chris Croatt (District 14) 21:00

I agree with you. I need to know that—do we have to, or do we still have some discretion based on all the documentation and recommendation from APD and....

Zak Buruin (Assistant City Attorney) 21:16

The best answer that I can give at the moment is that there is at least discretion. There is the possibility that it is a requirement. I can say that with the information that's before, there is nothing that would require it to be denied.

Alderperson Chris Croatt (District 14) 21:30

Okay.

Alderperson Alex Schultz (District 9) 21:31

Okay.

Alderperson Chris Croatt (District 14) 21:32

Okay, all right. I think that's pretty clear.

Katherine Neubert (Applicant) 21:36

Sorry for making so difficult for you guys.

Alderperson Chris Croatt (District 14) 21:38

No, it's okay. We just want to make sure we're doing our due diligence and considering all the information and our and our options, to be honest. Other comments questions from anyone present? Okay, we have a motion a second to approve, which would send it to the Common Council as a recommendation to approve. All those in favor of approval, signify by saying, aye.

Alderpersons Siebers, Fenton, Schultz, and Doran 22:00

Aye.

Alderperson Chris Croatt (District 14) 22:00

All opposed? Okay, four one. I'm the opposition. Okay. So that'll go to the council as a recommendation to approve the license.

Katherine Neubert (Applicant) 22:12

Okay.

Alderperson Chris Croatt (District 14) 22:13

Okay, and you're welcome to come. And it's not next week. It'll be two weeks from now, yep, and there is a signup sheet in the back of the room if you want to speak and address the council and talk about any part of your application or rehabilitation. You do need to sign up ahead of time, and you'll be able to speak during public participation.

Alderperson William Siebers (District 1) 22:30

And its seven o'clock.

Alderperson Chris Croatt (District 14) 22:31

Yep, seven o'clock on Wednesday night. Yep, same room. Alder Schultz,

Alderperson Alex Schultz (District 9) 22:35

I would also recommend trying to obtain additional documentation in whatever way, shape, or form you can do that. Make some calls, find out if there's some additional information you can provide us.

Alderperson Chris Croatt (District 14) 22:45

I think that would be helpful for quite a few people, including myself.

Katherine Neubert (Applicant) 22:49

Okay.

Alderperson Chris Croatt (District 14) 22:49

Okay? All right. Thanks for coming.

Katherine Neubert (Applicant) 22:53

No problem. Have a good day.

Alderperson Chris Croatt (District 14) 22:54

You too.