



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appletonwi.gov

Meeting Agenda - Final Safety and Licensing Committee

Wednesday, January 22, 2025

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Pledge of Allegiance

3. Roll call of membership

4. Approval of minutes from previous meeting

[25-0009](#) Safety & Licensing Committee Minutes from 1/8/25

Attachments: [S&L Minutes 1.8.25.pdf](#)

5. Public Hearing/Appealances

[25-0006](#) Demerit Point Violation Appearance - Broken Tree Pizza

Attachments: [BrokenTreePizza Demerit Pt Letter.pdf](#)

[25-0007](#) Demerit Point Violation Appearance - Mr. Frog's on the Ave

Attachments: [Mr.Frogs Demerit Pt Letter.pdf](#)

6. Action Items

[24-1126](#) Operator License for Kelly Arndt.

Attachments: [Kelly Arndt Application.pdf](#)

[Kelly Arndt Clerk Letter.pdf](#)

[Kelly Arndt PD Letter.pdf](#)

[Kelly Arndt Appeal Memo.pdf](#)

[UPDATE Operator License Renewal Application of Kelly Arndt.pdf](#)

Legislative History

12/11/24 Safety and Licensing Committee held

Kelly Arndt was present and requested the item be held until the next regularly scheduled meeting on January 8, 2025.

1/8/25 Safety and Licensing Committee held
 Kelly Arndt was present and addressed the committee.
 The Operator License was held until the January 22nd meeting to allow the applicant to provide documentation of rehabilitation.

[24-1496](#)

Operator License for Katherine Neubert.

Attachments: [Katherine Neubert Application.pdf](#)
[Katherine Neubert Clerk's Letter.pdf](#)
[Katherine Neubert denial letter.pdf](#)
[Operator License Application of Katherine Neubert.pdf](#)

Legislative History

1/8/25 Safety and Licensing Committee held
 Katherine Neubert was present and addressed the committee.
 The Operator License was held until the January 22nd meeting to allow the applicant to provide documentation of rehabilitation.

[24-0420](#)

Class "B" Beer and Reserve "Class B" Liquor License application for Delaires LLC d/b/a Delaire's, David Boulanger, Agent, located at 823 W. College Ave.

Attachments: [Delaire's.Alcohol.Class B Beer Reserve Liquor.4.10.24.REDACTED.pdf](#)
[Delaire's Attachment.pdf](#)
[Documents distributed by Alder Van Zeeland 10.23.24.pdf](#)
[APD Delaire's letter to S&L 11.27.24.docx](#)
[OEO to Appleton City Clerk re Holding Licensing Hearing - Delaire's LLC.pdf](#)
[2025 Delaire's Business Plan.pdf](#)
[Delaire's 2025 Alcohol License Questionnaire \(Updated\) - signed.pdf](#)

Legislative History

10/9/24	Safety and Licensing Committee	recommended for approval
10/16/24	Common Council	referred to the Safety and Licensing Committee
10/23/24	Safety and Licensing Committee	held
12/11/24	Safety and Licensing Committee	held
1/8/25	Safety and Licensing Committee	recommended for approval
		<i>David Boulanger was present and addressed the committee. Emil Ovbiagele, OVB Law & Consulting, 826 N Plankinton Ave, Milwaukee, WI, was present and addressed the committee.</i>
1/15/25	Common Council	referred to the Safety and Licensing Committee

[25-0005](#) Class "B" Beer and Reserve "Class B" Liquor License application for La Bodega Nightclub LLC d/b/a La Bodega Lounge, Juan Santiago-Hernandez, Agent, located at 531 W. College Ave, contingent upon approval from the Health and Inspections departments.

Attachments: [La Bodega Lounge.Alcohol.Class B Beer Reserve Liquor.12.20.24.REDACTE](#)

[25-0002](#) Cigarette, Tobacco, and Electronic Vaping Device License application for A-Z Tobacco Inc, Safwan Alboushi Aldabbagh, Agent, located at 201 W. Northland Ave Ste K.

Attachments: [A-Z Tobacco Inc.CTV.1.8.25.REDACTED.pdf](#)

[25-0003](#) Cigarette, Tobacco, and Electronic Vaping Device License application for Rehan Grocery LLC d/b/a Halal International Market, Siyar Abdullah, Agent, located at 2310 W. College Ave Ste D.

Attachments: [Halal Intl Market.CTV.1.9.25.REDACTED.pdf](#)

[25-0011](#) Cigarette, Tobacco, and Electronic Vaping Device License application for Top Dogz Vape Shop LLC d/b/a Top Dogz Vape Shop, Jennifer Peters, Agent, located at 208 E Wisconsin Ave, for new location.

Attachments: [Top Dogs Vape Shop.CTV.1.15.25.pdf](#)

[25-0004](#) Secondhand Article Dealer License renewal application for Heid Music, Todd Heid, Agent, located at 308 E. College Ave, contingent upon approval from the Health department.

Attachments: [Heid Music.Secondhand Article Renewal.1.10.25.pdf](#)

7. Information Items

[25-0008](#) Director's Report

1. City Clerk
 - Spring Primary Election Information
2. Fire Chief
3. Police Chief

8. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



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Meeting Minutes - Final Safety and Licensing Committee

Wednesday, January 8, 2025

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

The meeting was called to order by Chair Croatt at 5:30 p.m.

2. Pledge of Allegiance

3. Roll call of membership

Aldersperson Fenton appeared virtually.

Present: 5 - Croatt, Siebers, Doran, Fenton and Schultz

4. Approval of minutes from previous meeting

[24-1601](#)

Safety and Licensing Committee Minutes from 12/11/2024

Attachments: [S&L Minutes 12-11-24.pdf](#)

**Siebers moved, seconded by Schultz, that the Minutes be approved. Roll Call.
Motion carried by the following vote:**

Aye: 5 - Croatt, Siebers, Doran, Fenton and Schultz

5. **Public Hearing/Appearances**

6. **Action Items**

[24-1496](#)

Operator License for Katherine Neubert.

Attachments: [Katherine Neubert Application.pdf](#)
[Katherine Neubert Clerk's Letter.pdf](#)
[Katherine Neubert denial letter.pdf](#)
[Operator License Application of Katherine Neubert.pdf](#)

*Katherine Neubert was present and addressed the committee.
The Operator License was held until the January 22nd meeting to allow the applicant to
provide documentation of rehabilitation.*

**Siebers moved, seconded by Schultz, that the Operator License be held until
the January 22nd meeting. Roll Call. Motion carried by the following vote:**

Aye: 5 - Croatt, Siebers, Doran, Fenton and Schultz

[24-1126](#)

Operator License for Kelly Arndt.

Attachments: [Kelly Arndt Application.pdf](#)
[Kelly Arndt Clerk Letter.pdf](#)
[Kelly Arndt PD Letter.pdf](#)
[Kelly Arndt Appeal Memo.pdf](#)
[UPDATE Operator License Renewal Application of Kelly Arndt.pdf](#)

Kelly Arndt was present and addressed the committee.

The Operator License was held until the January 22nd meeting to allow the applicant to provide documentation of rehabilitation.

Siebers moved, seconded by Schultz, that the Operator License be held until the January 22nd meeting. Roll Call. Motion carried by the following vote:

Aye: 5 - Croatt, Siebers, Doran, Fenton and Schultz

[24-0420](#)

Class "B" Beer and Reserve "Class B" Liquor License application for Delaires LLC d/b/a Delaire's, David Boulanger, Agent, located at 823 W. College Ave, contingent upon approval from the Health and Inspections departments.

Attachments: [Delaire's.Alcohol.Class](#)
[B_Beer_Reserve_Liquor.4.10.24.REDACTED.pdf](#)
[Delaire's Attachment.pdf](#)
[Documents distributed by Alder Van Zeeland 10.23.24.pdf](#)
[APD Delaire's letter to S&L 11.27.24.docx](#)
[OEO to Appleton City Clerk re Holding Licensing Hearing - Delaire's LLC.pdf](#)
[2025 Delaire's Business Plan.pdf](#)
[Delaire's 2025 Alcohol License Questionnaire \(Updated\) - signed.pdf](#)

David Boulanger was present and addressed the committee.

Emil Ovbiagele, OVB Law & Consulting, 826 N Plankinton Ave, Milwaukee, WI, was present and addressed the committee.

Schultz moved, seconded by Doran, that the Alcohol License be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Croatt, Siebers, Doran, Fenton and Schultz

[24-1528](#)

Class "B" Fermented Malt Beverage and Reserve "Class B" Liquor License Revocation Hearing for BT & Dave, LLC - Theodore V. Suess, Agent.

Attachments: [Speakeasy Ultra Lounge Complaint & Summons 12.2.24.pdf](#)
[Speakeasy Ultra Lounge Affidavit of Service 12.3.24.pdf](#)
[Alcohol Demerits and Revocations.pdf](#)
[Steven Wells APD Report 3.3.23 Redacted.pdf](#)
[Steven Wells Signed Criminal Complaint 11.30.23.pdf](#)
[JoC - Wisconsin V Steven Wells Jr 5.21.24.pdf](#)
[Council Minutes from 8.16.23.pdf](#)
[Speakeasy Stipulation 8.2023 Signed.pdf](#)
[Speakeasy Surrender Lic. Email 12-10-24.pdf](#)
[SPEAKEASY ULTRA LOUNGE REPORT 12.11.24.pdf](#)
[Surrendered Speakeasy License.pdf](#)

The License was surrendered on January 7, 2025. No action was taken.

[24-1530](#)

The Safety and Licensing Committee may go into closed session pursuant to State Statute §19.85(1)(a) for the purpose of deliberating the revocation of an alcohol license and then reconvene into open session.

The committee did not convene into closed session.

Balance of the action items on the agenda.

Siebers moved, Schultz seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 5 - Croatt, Siebers, Doran, Fenton and Schultz

[24-1611](#)

Secondhand Article Dealer License renewal application for T&S Sports d/b/a Play It Again Sports, Michael Milloy, Agent, located at 611 W Northland Ave, contingent upon approval from the Health department.

Attachments: [Play It Again Sports.Secondhand Article Renewal.12.10.24.REDACTED.pdf](#)

This Report Action Item was recommended for approval

[24-1604](#)

Temporary Class "B" Beer and "Class B" Wine License application for Sacred Heart Church, Dave Erickson, Person in Charge, located at 222 E. Fremont St, for Winterfest event on February 22, 2025 from 5:00 p.m. to 9:00 p.m., contingent upon approval from all departments.

Attachments: [Sacred Heart Church.Alcohol.Temp B Beer Wine.Winterfest.2.22.25.REDACTED.pdf](#)

This Report Action Item was recommended for approval.

[24-1603](#)

Temporary Class "B" Beer License application for Building for Kids Children's Museum, Oliver Zornow, Person in Charge, located at 100 W. College Ave, for Building for Grown-Ups event on February 1, 2025 from 6:00 p.m. to 9:00 p.m., contingent upon approval from all departments.

Attachments: [Building for Kids Childrens Museum.Alcohol.Temp B Beer.Building for Grown Ups.2.1.25.REDACTED.pdf](#)

This Report Action Item was recommended for approval.

7. Information Items

[24-1565](#)

Gold Cross Ambulance Annual Review

Attachments: [11-05-24 Memo_GCA_Annual_Review.pdf](#)
[Shared Services and Operating Agreement 2024 Annual Review.pdf](#)

Nick Romenesko of Gold Cross addressed the committee.

[24-1634](#)

Alcohol Establishment Demerit Point Violations:

Broken Tree Pizza - 201 S Riverheath Way

-Dispense Alcohol to Minor: 80 points
-No licensed Operator on Premises: 40 points
Total demerit points: 120

Mr. Frogs - 409 W College Ave

-Underage Person(s) on Premises: 80 points
-Dispense Alcohol to Minor: 80 points
Total demerit points: 160

[24-1602](#)

Director's Report

1. City Clerk
2. Fire Chief
3. Police Chief
 - Hiring Update

8. Adjournment

Schultz moved, seconded by Siebers, that the meeting be adjourned at 6:36 p.m. Roll Call. Motion carried by the following vote:

Aye: 5 - Croatt, Siebers, Doran, Fenton and Schultz



DEPARTMENT OF
**LEGAL AND
ADMINISTRATIVE
SERVICES**

OFFICE OF THE CITY CLERK

100 North Appleton Street
Appleton, WI 54911
p: 920.832.6443
f: 920.832.5823
www.appletonwi.gov

January 7, 2025

**Broken Tree Pizza
201 S Riverheath Way Suite 1100
Appleton, WI 54915**

Attention: Keith Schreiner

Dear Alcohol License Holder,

The purpose of this letter is to inform you of the status of the demerit points against your alcohol license for the premises known as Broken Tree Pizza, located at 201 S Riverheath Way, Ste. 110, in the City of Appleton. Furthermore, you are hereby required to attend the Safety and Licensing Committee on Wednesday, January 22nd at 5:30 p.m. in the Council Chambers, 6th floor of City Hall, to inform the Committee about your efforts to rectify the issues that caused the imposition of any demerit points.

Your establishment recently had a violation for No Licensed Operator and Dispense Alcohol to Minor on October 21, 2024 which resulted in convictions on November 6, 2024. No Licensed Operator carries an assessment of 40 demerit points and Dispense Alcohol to Minor carries an assessment of 80. At this time, the license for this establishment has a total of 120 demerit points assessed against it within the last 24 months.

Please be advised that if any establishment holding an alcohol license accumulates 150-199 demerit points within a 24-month period, the license is subject to suspension for not less than 10 days nor more than 90 days. If any alcohol licensee accumulates 200 or more demerit points within a 36-month period, the license is subject to revocation. A copy of the ordinance was provided to you at the time you received your license.

The City of Appleton Police Department offers free training to help ensure your establishment is operating in a manner that is safe and legal. If you are interested in taking advantage of this free training, please contact Lt. Benjamin Goodin at the Appleton Police Department.

If you have any questions related to this matter, please contact me at 920-832-6443.

Respectfully,

Kami Lynch, City Clerk



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January 7, 2025

**Mr. Frog's on the Ave
409 W College Avenue
Appleton, WI 54911**

Attention: Vanessa Alvarado

Dear Alcohol License Holder,

The purpose of this letter is to inform you of the status of the demerit points against your alcohol license for the premises known as Mr. Frog's, located at 409 W College Ave, in the City of Appleton. Furthermore, you are hereby required to attend the Safety and Licensing Committee on Wednesday, January 22nd at 5:30 p.m. in the Council Chambers, 6th floor of City Hall, to inform the Committee about your efforts to rectify the issues that caused the imposition of any demerit points.

Your establishment recently had a violation for Underage Person(s) on Premises and Dispense Alcohol to Minor on September 15, 2024 which resulted in convictions on December 4, 2024. Underage Person(s) on premises carries an assessment of 80 demerit points and Dispense Alcohol to Minor carries an assessment of 80. At this time, the license for this establishment has a total of 160 demerit points assessed against it within the last 24 months.

Please be advised that if any establishment holding an alcohol license accumulates 150-199 demerit points within a 24-month period, the license is subject to suspension for not less than 10 days nor more than 90 days. If any alcohol licensee accumulates 200 or more demerit points within a 36-month period, the license is subject to revocation. A copy of the ordinance was provided to you at the time you received your license.

The City of Appleton Police Department offers free training to help ensure your establishment is operating in a manner that is safe and legal. If you are interested in taking advantage of this free training, please contact Lt. Benjamin Goodin at the Appleton Police Department.

If you have any questions related to this matter, please contact me at 920-832-6443.

Respectfully,

Kami Lynch, City Clerk



Application for Operator's/Bartender's License

CASH OR CHECK ONLY!

New Applicant

Renewal License
#: 184-24

FEES ARE NON-REFUNDABLE

Operator License - \$72.00

Operator License plus a provisional - \$87.00

Date Received: 7/9/24

Receipt #: 7103-1

Note: Please allow approximately 3 weeks for application processing.

SECTION 1 - APPLICANT INFORMATION

Legal Name (First name, MI, Last name) <u>Kelly Arndt</u>		Maiden or Previous <u>DORN</u>	
Street Address <u>15118 Midway Rd</u>		City <u>Hortonville WI</u>	State <u>WI</u>
Driver's License Number/State Identification Number			Driver's License State <u>WI</u>
Date of Birth	Gender <u>F</u>	Phone # (Required)	Email Address:

Name and Address of Establishment you will be selling alcohol - (verify establishment is within City of Appleton limits)
Chester's Pub - Pub & Grille

SECTION 2 - NEW APPLICANT ONLY: You are required to list each and every violation and/or offense for which you have been convicted in or out of state. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES NO

If Yes; which Municipality and what year? _____

Have you EVER been convicted of a felony? YES NO

If Yes; when, where and what type of violation? (Please be specific) _____

Have you EVER been convicted of a misdemeanor or ordinance violation? YES NO

If Yes; when, where and what type of violation? (Example: speeding, OWI) _____

SECTION 3 - RENEWAL APPLICANT ONLY: List any pending charges, citations, tickets, and all convictions since last license application in or out of state. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES NO

If Yes; which Municipality and what year? _____

Have you been convicted of a felony since last license application? YES NO

If Yes; when, where and what type of violation? (Please be specific) _____

Have you been convicted of a misdemeanor or ordinance violation since last license application? YES NO

If Yes; when, where and what type of violation? (Example: speeding, OWI) _____

SECTION 4 - NEW APPLICANT ONLY

Must provide proof of completion of a Responsible Beverage Server Course.

SECTION 5- PENALTY NOTICE

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature: [Signature] Date: 7/9/24

FOR OFFICE USE ONLY

Current License in Other Municipality?	Class Completion Date: ____/____/____	Date Sent to Appleton Police Department: <u>JUL 10 2024</u>
Date Approved: ____/____/____	Issue Date: ____/____/____	Expiration Date: ____/____/____
		License Number:



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August 13th, 2024

CERTIFIED MAIL

Kelly Arndt
N1518 Midway Rd
Hortonville WI 54944

This letter is to notify you that we are in receipt of your application for an Operator's License. The Police Department has conducted a criminal background investigation and has recommended that your application for an Operator's License be denied based upon the statutory qualifications listed in Wisconsin Statutes §125.04(5). Unless failure to grant the license would constitute unlawful employment discrimination as defined by Wisconsin Law (See Wisconsin Statutes §111.335), Operator/Bartender License may not be granted to individuals with arrest or conviction records, "habitual law offenders," or individuals convicted of a felony who have not been pardoned.

You have the right to appear before the Safety and Licensing Committee to contest this recommendation. To do so, **please contact the City Clerk's Office within 30 days of receipt of this letter** in order to be placed on the Agenda of the Safety and Licensing Committee. Failure to contact the City Clerk's Office within 30 days will result in your license being denied. At the time of appeal, you may provide the Safety and Licensing Committee competent evidence of sufficient rehabilitation and fitness to perform the licensed activity.

Regular meetings of the Safety and Licensing Committee take place on the second and fourth Wednesday of each month at 5:30 p.m. in the Council Chambers, 6th floor of City Hall, 100 N Appleton St., Appleton, Wisconsin.

Again, should you choose not to appeal this recommendation, your application will be considered denied and an Operator's License will not be issued.

If you have specific questions relating to the background investigation please contact Lt. Ben Goodin Appleton Police Department, at 920-832-5500.

Respectfully,

Kami Lynch
City Clerk



“...meeting community needs...enhancing quality of life.”

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 8/09/2024

RE: Police Department’s Recommendation for Denial of Kelly Arndt’s Bartender
Renewal License Application

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Kelly Arndt’s application for a bartender renewal license based upon her criminal and / or arrest record, her unpardoned felony conviction(s), and her status as a “habitual law offender.”

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 part of any denial of licensing, the police department must determine if crimes are substantially related to the sale of alcohol. During the 2023-2024 fiscal licensing year, Ms. Arndt was arrested and formally charged with the following:

2023CF000224 in Calumet County

9/26/2023

- Possess w/Intent-Cocaine (>15-40 grams), a Class D Felony

2024CF000338 in Outagamie County

4/15/2024

- Bail Jumping, a Class H Felony

- Possession of Cocaine, a criminal Misdemeanor offense

While Ms. Arndt held an Operator/Bartender license during the 2023-2024 fiscal year, she was arrested for cocaine related offenses twice. The first arrest involved a substantial amount of cocaine and pertaining to drug dealing activity. Ms. Arndt was arrested for Possession of Cocaine a few months later and also violated the conditions of her bond by committing a new crime. Additionally, the renewal Operator/Bartender license application clearly instructs the applicant to:

“List any pending charges, citations, tickets, and all convictions since last license application in or out of state. Failure to provide complete answers may result in a denial of your application.”

Directly under that section, Ms. Arndt failed to disclose her two recent drug arrests. Ms. Arndt has displayed poor decision-making skills during this last year while she held a City of Appleton Operator/Bartender license. While working at a bar, Ms. Arndt will undoubtedly come into

contact with individuals who are in a vulnerable, intoxicated state. Some of these individuals may suffer from addiction, whether it's to alcohol or drugs. Ms. Arndt must show the ability to make sound decisions when it comes to knowing when to stop serving a patron. Her being arrested twice in the last year for drug possession/drug dealing shows she does not possess the proper decision-making skills to responsibly serve alcohol to members of the public. Also, bars and taverns have frequently been locations where drugs are bought/sold/exchanged based on my experience as a police officer. Given Ms. Arndt's recent troubles with possessing and selling cocaine, granting her an Operator/Bartender license would only increase the likelihood of her reoffending.

Based upon the information provided, it is the Appleton Police Department's opinion that Kelly Arndt's Operator/Bartender's renewal license application be denied.

Very Respectfully:

Lt. Ben Goodin
Appleton Police Department



DEPARTMENT OF
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ADMINISTRATIVE
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CITY ATTORNEY'S OFFICE
100 North Appleton Street
Appleton, WI 54911
p: 920.832.6423
f: 920.832.5962
www.appleton.org

TO: Safety and Licensing Committee, Common Council

From: ACA Zak Buruin

Date: September 23, 2024

RE: Operator Licensing Renewal Application of Kelly Arndt

Kelly Arndt has applied for an Operator License and is appealing the initial denial of that application. Below is a summary of the relevant Chapter 125 eligibility requirements and an analysis of their application.

Summary

Insufficient grounds currently exist to conclude that the applicant is statutorily ineligible for the license renewal being sought. Renewal should therefore be granted at this time.

As the applicant's pending criminal matters conclude, it remains possible that the situation will change. If or when sufficient evidence becomes available to demonstrate that the applicant is no longer eligible for the license she currently seeks or then holds, revocation proceedings would be available and appropriate.

§125.04(5) Licensing Requirements

According to §125.04(5)(a)1, in order to be granted a license or permit under Wisconsin Statutes Chapter 125, the applicant may not have an arrest or conviction record. This prohibition is subject to the requirements of various statutes prohibiting certain types of employment discrimination, which will be discussed in relevant part below. These statutes are §111.321, §111.322, §111.335 and §125.12 (1) (b).

§125.04(5)(b) states that "No license or permit related to alcohol beverages may, subject to §111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender *or* has been convicted of a felony unless the person has been duly pardoned."

In summary, §125.04(5) prohibits the issuance of alcohol related licenses under chapter 125 to anybody with an arrest or conviction record, anybody with an unpardoned felony conviction, or

anybody “who has habitually been a law offender,” regardless of whether any arrests or convictions exist (see State ex rel. Smith v. City of Oak Creek, 139 Wis. 2d 788, 407 N.W.2d 901 (1987)), unless failing to grant that license would constitute prohibited discrimination.

§125.04(3)(j) – False Application Information

It is a violation of the law to provide false information on an application for any type of alcohol beverage license. §125.04(3)(j) provides that the penalty for any person who knowingly provides materially false information on an application for a license or permit under Chapter 125 may be required to forfeit not more than \$1,000.

A review of the general licensing requirements as well as the bases for revocations, suspensions, and refusals to issue or renew licenses reveals what may be an unexpected fact. The provision of false, misleading, or incomplete information on an alcohol license application does not, in and of itself, provide an independent justification to deny, revoke, or suspend an alcohol beverage license under Chapter 125.

Whether this is intentional or an oversight by the legislature is not known. It is undoubtedly a proper consideration in a retail licensing application decision in situations where the licensing authority has more discretion. However, operator licenses are required by statute to be granted if the applicant is eligible for the license applied for. Absent an undiscovered statutory exclusion that might apply to someone who knowingly provides false information on their operator license application, doing so does not make someone statutorily ineligible for an operator license by itself.

Prohibited Discrimination

§111.321 – Prohibited Bases of Discrimination

Arrest or conviction (among other bases not relevant to consideration here) are not permitted to be used as a basis for employment discrimination by a licensing agency.

§111.335 – Arrest or Conviction Record; Exceptions and Special Cases

§111.335(3)(a)1 states that it is not employment discrimination because of a conviction record to refuse to license an individual where that person has been convicted of “any felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.” In evaluating the existence of a substantial relationship, it is the circumstances that provide the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the applicant that are the proper considerations. It is not relevant whether the applicant has the ability to perform the work to an employer’s standards. (See Milwaukee Cnty. v. Lab. & Indus. Rev. Comm'n, 139 Wis. 2d 805, 407 N.W.2d 908 (1987)).

Regarding pending charges, it is considered employment discrimination for a licensing agency to refuse to license an individual or suspend an individual from licensing “solely because the individual is subject to a pending criminal charge.” The exception to this general rule is when the circumstances of the charge substantially relate to the circumstances of the licensed activity in question, *and* the offense is either an exempt offense or a violent crime against a child. (See §111.335(2)(b) and (4)(a)). However, even though the fact of a pending charge may not be the sole basis for denial, this does not appear to prohibit the underlying conduct from being considered, to the extent it can be proved with sufficient evidence.

Each offense must be evaluated under the above criteria for determination of whether or not it is substantially related to the activity for which a license is sought. Any arrest (subject to the above), conviction, or other offense which is substantially related to the licensed activity is to be considered in the licensing decision.

Applicability to Kelly Arndt

Ms. Arndt currently has criminal court matters pending in Calumet County and in Outagamie County. As of this writing, both matters are pending. Neither matter alleges an offense that would be considered exempt. Therefore, the fact that either of these matters are pending is not something which can be properly considered as a sole basis for denial.

The facts leading to an arrest remain a proper consideration when determining if an applicant is someone “who has habitually been a law offender.” To be considered a “habitual law offender,” one need not be convicted of or even arrested for a crime. Findings of guilt by a court are the typical way in which this is demonstrated, but they are not the only way in which law violations can be shown. The full scope of the evidence in the pending criminal matters is not generally available at this point in Ms. Arndt’s proceedings. Whether this impacts the ability to determine someone’s status as a “habitual law offender” must be determined on a case-by-case basis.

In at least one of Ms. Arndt’s pending matters, a recent change in the procedural posture of the case indicates that there is at least the possibility of additional relevant factual developments before it is concluded. The posture of the cases at the time of Lt. Goodin’s memorandum recommending the denial of the application was premised upon the (then) well-founded belief that the applicant was statutorily ineligible in fact, and that this fact could be sufficiently demonstrated to the Committee and Council. The change in the posture of the criminal matters is something that occurred after the original memorandum submitted by Lt. Goodin. It is not something he could have predicted based on the status of the cases at that time. Predictable or not, the change does appear to now preclude a fair and full consideration of the facts *at this time*.

There is sufficient evidence by which it might be shown that the applicant violated the law by providing materially false information on her renewal application. This does not, by itself, allow for the conclusion that the applicant is a “habitual law offender,” or render her statutorily

ineligible for the license applied for. It remains a consideration with respect to future license renewals, new applications, and other eligibility determinations under Chapter 125.

Based on the above, it is premature to conclude whether or not Ms. Arndt is a “habitual law offender” and therefore ineligible for the license applied for. In the absence of a determination that she is a “habitual law offender,” Ms. Arndt remains eligible for licensure, at least with respect to that specific qualification.

Conclusion

The defendant’s application should be granted, as it cannot be shown that she is ineligible at this time.

The outcome of Ms. Arndt’s pending criminal matters remains to be seen both legally and factually. Both could potentially have impacts upon whether Ms. Arndt remains statutorily eligible for an operator’s license. The situation can and will be monitored. Changes to eligibility would be addressed in accordance with Wisconsin Statutes §125.12, which governs revocations, suspensions, and refusals to issue or renew alcohol beverage licenses under Chapter 125.



DEPARTMENT OF
**LEGAL AND
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SERVICES**

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TO: Safety and Licensing Committee, Common Council

From: ACA Zak Buruin

Date: December 13, 2024

RE: UPDATE – Operator License Renewal Application of Kelly Arndt

Kelly Arndt has applied for an Operator License and is appealing the denial of that application. Below is a summary of the relevant Chapter 125 eligibility requirements and an analysis of their application in this case, accounting for updated information brought up during the meeting of the Safety and Licensing Committee Meeting on December 11, 2024.

This memorandum does not include sections or analysis which remains unchanged from the original submission. This memorandum is a supplement and should be read in conjunction with the memorandum previously submitted.

Summary

Ms. Arndt's recent conviction leaves her ineligible for the license sought. This ineligibility is subject to her ability to provide competent evidence of sufficient rehabilitation. It will be up to the Committee and Council to weigh that evidence and utilize sound discretion to determine whether any such evidence is competent to show sufficient rehabilitation. If so, the license must be granted. If not, it may not be granted.

It remains premature to determine what impact Calumet County case 23CF224 will have upon Ms. Arndt's future eligibility for licensure.

Consideration of Rehabilitation

§111.335(4)(c)1 requires that if a license is denied *based upon §111.335(3)(a)1* (as discussed in the preceding section), the licensing agency typically has two further obligations. It must state the reasons for denial in writing, including a statement of how the circumstances of the offense(s) relate to the licensed activity. It must also allow the person to show evidence of rehabilitation. According to §111.335(4)(c)1.b, if the individual "shows competent evidence of sufficient rehabilitation and fitness to perform the licensed activity under par. (d), the licensing agency may

not refuse to license the individual or bar or terminate the individual from licensing based *on that conviction.*" (Emphasis added).

The statute specifically notes documentation that can demonstrate rehabilitation "on that conviction." As such, rehabilitation is to be considered with respect to each offense individually, rather than the applicant in totality. Where denial is based upon §111.335(3)(a)1, and competent evidence of sufficient rehabilitation shown, that offense may not be considered as part of a denial decision.

Competent Evidence of Sufficient Rehabilitation

For denials *based upon §111.335(3)(a)*¹, competent evidence of sufficient rehabilitation may be shown. As indicated above in §111.335(4)(c)1.b, where such evidence is shown, the related conviction may not be the basis for a denial of a license.

§111.335(4)(d)1 provides two forms of evidence which are statutorily required to be considered "competent evidence of sufficient rehabilitation," and therefore must be accepted by the licensing agency as such. §111.335(4)(d)1.a. allows one to provide certified documentation of honorable discharge from the US armed forces following the otherwise disqualifying conviction. This documentation is no longer sufficient if there is a criminal conviction following the discharge date.²

§111.335(4)(d)1.b, allows the applicant to provide documentation of their release from custody *and* either completion of probation or release from custody and compliance with all terms and conditions of release, be it extended supervision, probation, or parole.³

Where neither of the above exists, §111.335(4)(d)2 provides additional documentary evidence that may be provided that the licensing agency is bound to consider, but that it is not required to accept conclusively as sufficient evidence of rehabilitation. Evidence which the agency is required to consider include:

- a. evidence of the seriousness of any offense of which he / she was convicted.
- b. evidence of all circumstances relative to the offense including mitigating circumstances or social conditions surrounding the offense.
- c. The age of the individual at the time the offense was committed.
- d. The length of time that has elapsed since the offense was committed.

¹ Denials under other provisions may be subject to other requirements.

² From a practical standpoint, honorable discharge from the armed forces is not related to any particular offense. This section, in conjunction with §111.335(4)(c)1.b. could be interpreted as effectively removing any criminal offenses prior to honorable discharge from licensing consideration. This would be more akin to evaluating the rehabilitation of the person rather than specific offenses, which is not what the other related statutes call for. This arguable inconsistency what my prior, more rigid analysis was based upon.

³ Periods of supervision are attributable to specific offenses, allowing for consideration of individual offenses as §111.335(4)(c)1.b contemplates.

- e. 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.
- f. All other relevant evidence of rehabilitation and fitness presented.

Based upon the above, where a denial of a license is based upon §111.335(3)(a)1, and there is no evidence presented that is statutorily defined as "competent evidence of sufficient rehabilitation" for a particular offense, it is up to the licensing agency to determine whether the other documentary evidence available constitutes "competent evidence of sufficient rehabilitation and fitness to perform the licensed activity."

Applicability to Kelly Arndt

Since my original memorandum on this subject was submitted, Ms. Arndt has been convicted of Possession of Cocaine, a misdemeanor offense, in Outagamie County case 24CF338 on November 12, 2024. Additionally, one count of Felony Bail Jumping was dismissed but read into the record for consideration at sentencing. Sentence was withheld and Ms. Arndt was placed on probation for a period of 12 months.

If it is determined that this offense is substantially related to the activity to be licensed, Ms. Arndt is ineligible for a license under Chapter 125 unless she is able to provide competent evidence of rehabilitation. There is a basis to conclude that the offense is substantially related to the licensed activity in that it involves the irresponsible and unlawful usage and possession of intoxicating substances, particularly while under enhanced legal obligations. The enhanced legal obligation comes from her status on a criminal bond versus being a holder of an Operator's license, but it is an additional aspect of substantial relation between the offense and the licensed activity.

In light of the time since this conviction, it is not possible for her to demonstrate successful completion of probation or a year of elapsed time since release with compliance with all conditions of supervision. There is no indication that she might show honorable discharge from the US military since the conviction. She appears unable to satisfy either of the showings that the Committee and Council would be required to accept as competent evidence of rehabilitation.

Absent either of the above showings, Ms. Arndt would only be eligible for licensure if she were to provide sufficient evidence to convince the Committee and Council, in their discretion, that she has been sufficiently rehabilitated to be licensed. This is an evaluation that is to be made by the Committee and Council, utilizing their best evaluation of the relevant information available, including but not limited to any of the information under §111.335(4)(d)2 and noted above.

Ms. Arndt's additional criminal matter in Calumet County remains pending, with a Jury Trial scheduled for April of 2025. The evaluation of this matter has not changed since my prior memorandum. When that matter is adjudicated, it can be determined what additional impact it might have on Ms. Arndt's eligibility for licensure.

Conclusion

Ms. Arndt's recent conviction leaves her ineligible for the license sought. This ineligibility is subject to her ability to provide competent evidence of sufficient rehabilitation. It will be up to the Committee and Council to weigh that evidence and utilize sound discretion to determine whether any such evidence is competent to show sufficient rehabilitation. If so, the license must be granted. If not, it may not be granted.

It remains premature to determine what impact Calumet County case 23CF224 will have upon Ms. Arndt's future eligibility for licensure.

Application for Operator's/Bartender's License

CASH OR CHECK ONLY!



New Applicant
 Renewal License
 #: _____

FEES ARE NON-REFUNDABLE

Operator License - \$72.00
 Operator License plus a provisional - \$87.00

Date Received: 10/3/24
 Receipt #: 7461-2

Note: Please allow approximately 3 weeks for application processing.

SECTION 1 - APPLICANT INFORMATION			
Legal Name (First name, MI, Last name) <u>Katherine A Neubert</u>			Maiden or Previous
Street Address <u>5138 N mayflower Dr</u>		City <u>Appleton</u>	State <u>WI</u>
Zip <u>54913</u>		Driver's License State <u>WI</u>	
Driver's License Number/State Identification Number [REDACTED]			Driver's License State <u>WI</u>
Date of Birth [REDACTED]	Gender <u>F</u>	Phone # (Required) [REDACTED]	Email Address: [REDACTED]
Name and Address of Establishment you will be selling alcohol - <u>verify establishment is within City of Appleton limits</u> <u>Cold Shot</u>			
SECTION 2 - NEW APPLICANT ONLY: You are required to list each and every violation and/or offense for which you have been convicted in or out of state. Failure to provide complete answers may result in a denial of your application.			
Have you EVER had an Operator's (Bartender's) License? <u>YES</u> NO			
If Yes; which Municipality and what year? <u>Appleton, Grand</u>			
Have you EVER been convicted of a felony? YES <u>NO</u>			
If Yes; when, where and what type of violation? (Please be specific) _____			
Have you EVER been convicted of a misdemeanor or ordinance violation? <u>YES</u> NO			
If Yes; when, where and what type of violation? (Example: speeding, OWI) <u>OWI Feb 2011 OWI Dec 2012</u> <u>OWI 2022</u>			
SECTION 3 - RENEWAL APPLICANT ONLY: List any pending charges, citations, tickets, and all convictions since last license application in or out of state. Failure to provide complete answers may result in a denial of your application.			
Have you EVER had an Operator's (Bartender's) License? YES NO			
If Yes; which Municipality and what year? _____			
Have you been convicted of a felony since last license application? YES NO			
If Yes; when, where and what type of violation? (Please be specific) _____			
Have you been convicted of a misdemeanor or ordinance violation since last license application? YES NO			
If Yes; when, where and what type of violation? (Example: speeding, OWI) _____			
SECTION 4 - NEW APPLICANT ONLY			
<input type="checkbox"/> Must provide proof of completion of a Responsible Beverage Server Course.			
SECTION 5- PENALTY NOTICE			
Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.			
Signature: <u>[Signature]</u>			Date: <u>10/2/24</u>
FOR OFFICE USE ONLY			
Current License in Other Municipality? <u>Hortonville 25'</u>	Class Completion Date: ____/____/____	Date Sent to Appleton Police Department: <u>OCT 04 2024</u>	
Date Approved: ____/____/____	Issue Date: ____/____/____	Expiration Date: ____/____/____	License Number: _____



DEPARTMENT OF
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100 North Appleton Street
Appleton, WI 54911
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www.appleton.org

October 11th, 2024

CERTIFIED MAIL

Katherine Neubert
5138 N Mayflower Dr
Appleton WI 54913

This letter is to notify you that we are in receipt of your application for an Operator's License. The Police Department has conducted a criminal background investigation and has recommended that your application for an Operator's License be denied based upon the statutory qualifications listed in Wisconsin Statutes §125.04(5). Unless failure to grant the license would constitute unlawful employment discrimination as defined by Wisconsin Law (See Wisconsin Statutes §111.335), Operator/Bartender License may not be granted to individuals with arrest or conviction records, "habitual law offenders," or individuals convicted of a felony who have not been pardoned.

You have the right to appear before the Safety and Licensing Committee to contest this recommendation. To do so, **please contact the City Clerk's Office within 30 days of receipt of this letter** in order to be placed on the Agenda of the Safety and Licensing Committee. Failure to contact the City Clerk's Office within 30 days will result in your license being denied. At the time of appeal, you may provide the Safety and Licensing Committee competent evidence of sufficient rehabilitation and fitness to perform the licensed activity.

Regular meetings of the Safety and Licensing Committee take place on the second and fourth Wednesday of each month at 5:30 p.m. in the Council Chambers, 6th floor of City Hall, 100 N Appleton St., Appleton, Wisconsin.

Again, should you choose not to appeal this recommendation, your application will be considered denied and an Operator's License will not be issued.

If you have specific questions relating to the background investigation please contact Lt. Ben Goodin Appleton Police Department, at 920-832-5500.

Respectfully,

Kami Lynch
City Clerk



“...meeting community needs...enhancing quality of life.”

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 10/10/2024

RE: Police Department’s Recommendation for Denial of Katherine Neubert’s Bartender License Application

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Katherine Neubert’s application for a bartender license.

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, though none are required to be accepted as conclusive proof of rehabilitation:

- (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 part of any denial of licensing, the police department must determine if crimes are substantially related to the sale of alcohol. Ms. Neubert is a habitual law offender based on the following convictions:

Operating While Intoxicated (3rd) in Outagamie County case # 2022CT000244.

Operating While Intoxicated (2nd) in Outagamie County case # 2013CT000150.

Operating While Intoxicated (1st) in Outagamie County case # 2011TR002386.

These three Operating While Intoxicated convictions are substantially related to the sale of alcohol for several reasons. Ms. Neubert has shown a pattern of poor decision-making by getting arrested for Operating While Intoxicated in 2011, 2012 (convicted in 2013) and again in 2021 (convicted in 2022).

Drunk driving is a serious offense and a major problem not only in Wisconsin but across the entire country. Ms. Neubert has not shown the ability to make sound decisions by understanding when she has had too much to drink and is unsafe to operate a motor vehicle. A person serving alcohol to members of the public must be aware of when a patron has had enough to drink and should not be served any longer. If Ms. Neubert cannot understand when she is too drunk to drive, it's unreasonable to believe she would recognize when a patron she is serving has also consumed too much alcohol.

Having nine years of no OWI arrests from 2012-2021 is commendable. However, it is the police department's belief that Ms. Neubert getting arrested a third time for OWI as recently as 2021 clearly indicates she does not understand the seriousness of drunk driving. Ms. Neubert has not shown she has learned her lesson from the first two arrests, and her pattern of drunk driving behavior is concerning.

As a person who wants to be responsible to serve alcohol, Ms. Neubert has not shown the ability to make good decisions related to her own sobriety. The service of alcohol includes coming into contact with individuals in a very vulnerable state and the Appleton Police Department feels that through Ms. Neubert's prior OWI convictions that she has not demonstrated the necessary maturity and decision-making capacity to be allowed a bartender's license in the City of Appleton.

Ms. Neubert's repeated OWI convictions qualify her as a habitual law offender and the Appleton Police Department recommends her bartender application be denied.

Very Respectfully:

Lt. Ben Goodin
Appleton Police Department



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TO: Safety and Licensing Committee, Common Council

From: ACA Zak Buruin

Date: January 3, 2025

RE: Operator's License Application of Katherine Neubert

Katherine Neubert has applied for an Operator's (Bartender) License and is appealing the denial of that application. Below is a summary of the relevant Chapter 125 eligibility requirements and an analysis of their application in this case.

Summary

The Appleton Police Department's recommendation that the applicant's application be denied based upon Lt. Goodin's conclusion that applicant is a habitual law offender is well-grounded in the relevant and facts and law currently available. She is ineligible for licensure unless she provides "competent evidence of sufficient rehabilitation."

§125.04(5) Licensing Requirements

According to §125.04(5)(a)1, in order to be granted a license or permit under Wisconsin Statutes Chapter 125, the applicant may not have an arrest or conviction record. This prohibition is subject to the requirements of various statutes prohibiting certain types of employment discrimination, which will be discussed below. These statutes are §111.321, §111.322, §111.335 and §125.12 (1) (b).

§125.04(5)(b) states that "No license or permit related to alcohol beverages may, subject to §111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned."

In summary, §125.04(5) prohibits the issuance of alcohol related licenses under chapter 125 to anybody with an arrest or conviction record, anybody with an unpardoned felony conviction, or anybody "who has habitually been a law offender," regardless of whether any arrests or convictions exist (see State ex rel. Smith v. City of Oak Creek, 139 Wis. 2d 788, 407 N.W.2d 901 (1987)), unless failing to grant that license would constitute prohibited discrimination.

Prohibited Discrimination

§111.321 – Prohibited Bases of Discrimination

Arrest or conviction (among other bases not relevant to consideration here) are not permitted to be used as a basis for employment discrimination by a licensing agency.

§111.322 – Discriminatory Actions Prohibited

§111.322(1) specifies that refusal to license any individual on any of the bases listed in §111.321, which includes arrest and conviction history. This is subject to exceptions set forth in §111.33 to §111.365, neither of which apply to the instant circumstances.

§111.335 – Arrest or Conviction Record; Exceptions and Special Cases

§111.335(3)(a)1 states that it is not employment discrimination because of a conviction record to refuse to license an individual where that person has been convicted of “any felony, misdemeanor, or other offense the circumstances of which substantially related to the circumstances of the particular job or licensed activity.” In evaluating the existence of a substantial relationship, it is the circumstances that provide the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the applicant that are the proper considerations. It is not relevant whether the applicant has the ability to perform the work to an employer’s standards. (See Milwaukee Cnty. v. Lab. & Indus. Rev. Comm'n, 139 Wis. 2d 805, 407 N.W.2d 908 (1987)).

Each offense must be evaluated under the above criteria for determination of whether or not it is substantially related to the activity for which a license is sought. Any arrest, conviction, or other offense which is substantially related to the licensed activity is to be considered in the licensing decision.

Consideration of Rehabilitation

§111.335(4)(c)1 requires that if a license is denied *based upon §111.335(3)(a)1* (as discussed in the preceding section), the licensing agency typically has two further obligations. It must state the reasons for denial in writing, including a statement of how the circumstances of the offense(s) relate to the licensed activity. It must also allow the person to show evidence of rehabilitation. According to §111.335(4)(c)1.b, if the individual “shows competent evidence of sufficient rehabilitation and fitness to perform the licensed activity under par. (d), the licensing agency may not refuse to license the individual or bar or terminate the individual from licensing based *on that conviction.*” (Emphasis added).

The statute specifically notes documentation that can demonstrate rehabilitation “on that conviction.” As such, rehabilitation is to be considered with respect to each offense individually,

rather than the applicant in totality. Where denial is based upon §111.335(3)(a)1, and competent evidence of sufficient rehabilitation shown, that offense may not be considered as part of a denial decision.

Competent Evidence of Sufficient Rehabilitation

For denials *based upon §111.335(3)(a)¹*, competent evidence of sufficient rehabilitation may be shown. As indicated above in §111.335(4)(c)1.b, where such evidence is shown, the related conviction may not be the basis for a denial of a license.

§111.335(4)(d)1 provides two forms of evidence which are statutorily required to be considered “competent evidence of sufficient rehabilitation,” and therefore must be accepted by the licensing agency as such. §111.335(4)(d)1.a. allows one to provide certified documentation of honorable discharge from the US armed forces following the otherwise disqualifying conviction. This documentation is no longer sufficient if there is a criminal conviction following the discharge date.²

§111.335(4)(d)1.b, allows the applicant to provide documentation of their release from custody *and* either completion of probation or release from custody and compliance with all terms and conditions of release, be it extended supervision, probation, or parole.³

Where neither of the above exists, §111.335(4)(d)2 provides additional documentary evidence that may be provided that the licensing agency is bound to consider, but that it is not required to accept conclusively as sufficient evidence of rehabilitation. Evidence which the agency is required to consider include:

- a. evidence of the seriousness of any offense of which he / she was convicted.
- b. evidence of all circumstances relative to the offense including mitigating circumstances or social conditions surrounding the offense.
- c. The age of the individual at the time the offense was committed.
- d. The length of time that has elapsed since the offense was committed.
- e. 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.
- f. All other relevant evidence of rehabilitation and fitness presented.

Based upon the above, where a denial of a licensed is based upon §111.335(3)(a)1, and there is no evidence presented that is statutorily defined as “competent evidence of sufficient

¹ Denials under other provisions may be subject to other requirements.

² From a practical standpoint, honorable discharge from the armed forces is not related to any particular offense. This section, in conjunction with §111.335(4)(c)1.b. could be interpreted as effectively removing any criminal offenses prior to honorable discharge from licensing consideration. This would be more akin to evaluating the rehabilitation of the person rather than specific offenses, which is not what the other related statutes call for. This arguable inconsistency what my prior, more rigid analysis was based upon.

³ Periods of supervision are attributable to specific offenses, allowing for consideration of individual offenses as §111.335(4)(c)1.b contemplates.

rehabilitation” for a particular offense, it is up to the licensing agency to determine whether the other documentary evidence available constitutes “competent evidence of sufficient rehabilitation and fitness to perform the licensed activity.”

Applicability to Katherine Neubert

Operating While Intoxicated offenses are unquestionably substantially related to the activity for which Ms. Neubert seeks a license. Ms. Neubert’s history of repeated Operating While Intoxicated offenses makes her a habitual law offender. The criminal conviction for her most recent offense, a third offense, was on July 15, 2022. Sentence was withheld and she was placed on probation. Probation records could be particularly determinative evidence in this case, but they are not the only source of information which either must or should be considered. Should she provide “competent evidence of sufficient rehabilitation” as described above, the requested license must be granted. It is up to her to provide any such evidence.

Should she fail to provide “competent evidence of sufficient rehabilitation” as described above, Ms. Neubert would remain statutorily ineligible for the requested license, and it may not be granted.

Conclusion

The Appleton Police Department’s recommendation that the applicant’s application be denied based upon Lt. Goodin’s conclusion that applicant is a habitual law offender is well-grounded in the relevant facts and law currently available. She is ineligible for licensure unless she provides “competent evidence of sufficient rehabilitation.”

Form
AB-200

Alcohol Beverage License Application

For Municipal Use Only	
Municipality	Appleton
License Period	24-25

License(s) Requested: (up to two boxes may be checked)

- Class "A" Beer \$ _____ Class "B" Beer \$ 100
 "Class A" Liquor \$ _____ "Class B" Liquor \$ _____
 "Class A" Liquor (cider only) \$ _____ Reserve "Class B" Liquor \$ 10500
 "Class C" Liquor (wine only) \$ _____

Fees	
License Fees	\$ 10,600
Background Check Fee	\$ 60
Publication Fee	\$ 7
Total Fees	\$ 10,667

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietorship) <u>Delaire's LLC</u>			
2. Business Trade Name or DBA <u>Delaire's</u>			
3. FEIN		4. Wisconsin Seller's Permit Number <u>456-1031294282-04</u>	
5. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization			
6. State of Organization <u>Wisconsin</u>		7. Date of Organization <u>9/20/2022</u>	8. Wisconsin DFI Registration Number <u>D073986</u>
9. Premises Address <u>823 827 W. College Ave.</u>			
10. City <u>Appleton</u>		11. State <u>WI</u>	12. Zip Code <u>54914</u>
13. County <u>Outagamie</u>	14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: <u>Appleton</u>		15. Aldermanic District <u>11</u>
16. Premises Phone <u>727-808-9092</u>	17. Premises Email <u>delaires.wb@gmail.com</u>		18. Website _____
19. Premises Description - Describe the building or buildings where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. <u>1779 sq. ft. premise where alcohol will be sold and stored. Alcohol consumed in bar area. Alcohol will be sold over bartop and stored in a backroom.</u>			
20. Mailing Address (if different from premises address)			
21. City		22. State	23. Zip Code

Part B: Questions

1. Has the business (sole proprietorship, partnership, limited liability company, or corporation) been convicted of violating federal or state laws or local ordinances? Exclude traffic offenses unless related to alcohol beverages. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list the details of violation below. Attach additional sheets if necessary.		
Law/Ordinance Violated	Location	Trial Date
Penalty Imposed		Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Location	Trial Date
Penalty Imposed		Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No

2. Are charges for any offenses pending against the business? Exclude traffic offenses unless related to alcohol . . . Yes No
 beverages.

If yes, describe the nature and status of pending charges using the space below. Attach additional sheets as needed.

3. Is the applicant business or any of its officers, directors, members, agent, employees, owners, or other related individuals or entities a restricted investor with any interest in an alcohol beverage producer or distributor? . . . Yes No
 If yes, provide the name of the restricted investor and describe the nature of the interest.

4. Is the applicant business owned by another business entity? Yes No
 If yes, provide the name(s) and FEIN(s) of the business entity owners below. Attach additional sheets as needed.

4a. Name of Business Entity	4b. Business Entity FEIN
-----------------------------	--------------------------

5. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit proof of completion. Yes No

6. Is the applicant business indebted to any wholesaler beyond 15 days for beer or 30 days for liquor/wine? Yes No

7. Does the applicant business owe past due municipal property taxes, assessments, or other fees? Yes No

Part C: Individual Information

List the name, title, and phone number for each person or entity holding the following positions in the applicant business or businesses listed in Part B, Question 4: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all members, managers, and agent of a limited liability company. Attach additional sheets if necessary.

Include Form AB-100 for each person listed below. Corporations and LLCs must appoint an agent by including Form AB-101.

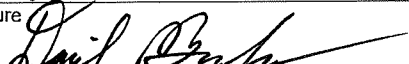
Last Name	First Name	Title	Phone
Boulanger	David	owner	

Part D: Attestation

One of the following must sign and attest to this application:

- sole proprietor
- one general partner of a partnership
- one corporate officer
- one member of an LLC

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name Boulanger	First Name David	M.I. D
Title owner	Email	Phone
Signature 	Date 4/10/24	

Part E: For Clerk Use Only

Date Application Was Filed With Clerk 4-10-2024	License Number	Date License Granted	Date License Issued
Signature of Clerk/Deputy Clerk		Date Provisional License Issued (if applicable)	



City of Appleton Alcohol License Questionnaire

1. Name of Applicant: David Boulanger

2. Name of Business: Delaire's

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) Coffee bar

3. Address of Business: 827 W. College Ave, Appleton WI 54914
823

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes _____ No X

AND/OR been convicted of a felony? Yes _____ No X

If yes to either question, please explain in detail below:

5. List all partners, shareholders or investors of your business. Include full name, middle initial and date of birth. Please use additional sheets if necessary.

<u>David</u>	<u>D</u>	<u>Boulanger</u>	
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /

6. Name of person/corporation you are buying the premise and equipment from?

Name: _____
First name Middle Initial Last name

Address: _____
City State ZIP

7. What was the previous name and primary nature of the business operating at this location?

Name: Empty / VACANT

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
 Tavern/Night Club/Wine Bar
 Microbrewery/Brewpub
 Painting/Craft Studio
 Other (describe) _____

8. Was this premise licensed for alcohol sales/consumption during the past license year?

Yes _____ If yes, please contact the Community and Economic Development Department at 832-6468 about obtaining a copy of an existing Special Use Permit and related requirements that may run with property.

No X If no, please contact the Community and Economic Development Department at 832-6468 about obtaining a Special Use Permit. A Special Use Permit may be required for your business activity prior to the issuance of a Liquor License, pursuant to the City of Appleton Zoning Ordinance.

9. If alcohol sales were a previous use in this building, when did the operation cease?

_____ months ago.

10. Seating capacity: Inside 15 Outside 0

11. Operating hours (Inside the building): 10AM - 10PM
Operating hours (Outdoor seating areas): —

12. Employees/Staff

Number of floor personnel 1 Number of door checkers _____

13. In general, state the size and operational details of the proposed establishment:

a. Gross floor building area of the premises to be licensed: 1779 square feet.

b. Gross outdoor seating areas of the premises to be licensed: 0 square feet.

c. Below, identify the operational details of the proposed establishment:

Serving coffee with liquor.

See attached business plan for more details.

Open every day 10am-10pm

[Signature]
Signature

4/10/24
Date

Agent Type (check one)

- Original (no fee) Successor (\$10 fee for municipal licensees only)

Part A: Business Information

1. Legal Business Name (individual name if sole proprietor)

Delaire's LLC

2. Business Trade Name or DBA

Delaire's

3. Entity Type (check one)

- Limited Liability Company Corporation Nonprofit Organization

4. Alcohol Beverage Business Authorization (check one)

- Municipal Retail License State Permit

5. If successor agent, provide State Permit or Municipal Retail License Number

6. Describe the reason for appointing a successor agent, if successor is checked above.

Part B: Agent Information

1. Last Name

Boulanger

2. First Name

David

3. M.I.

D

4. Email

5. Phone

6. Home Address

1024 Sumac Drive

7. City

West Bend

8. State

WI

9. Zip Code

53090

10. Age

11. Drivers License/State ID Number

12. Drivers License/State ID State of Issuance

Part C: Agent Questions

1. Have you satisfied the responsible beverage server training requirement? Yes No
Submit proof of completion.


2. Have you completed Form AB-100, *Alcohol Beverage Individual Questionnaire*? Yes No
Submit a completed Form AB-100 with this form.

3. Have you been a Wisconsin resident for at least 90 continuous days? Yes No
See instructions for exceptions.

Continued →

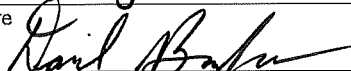
Part D: Business Attestation

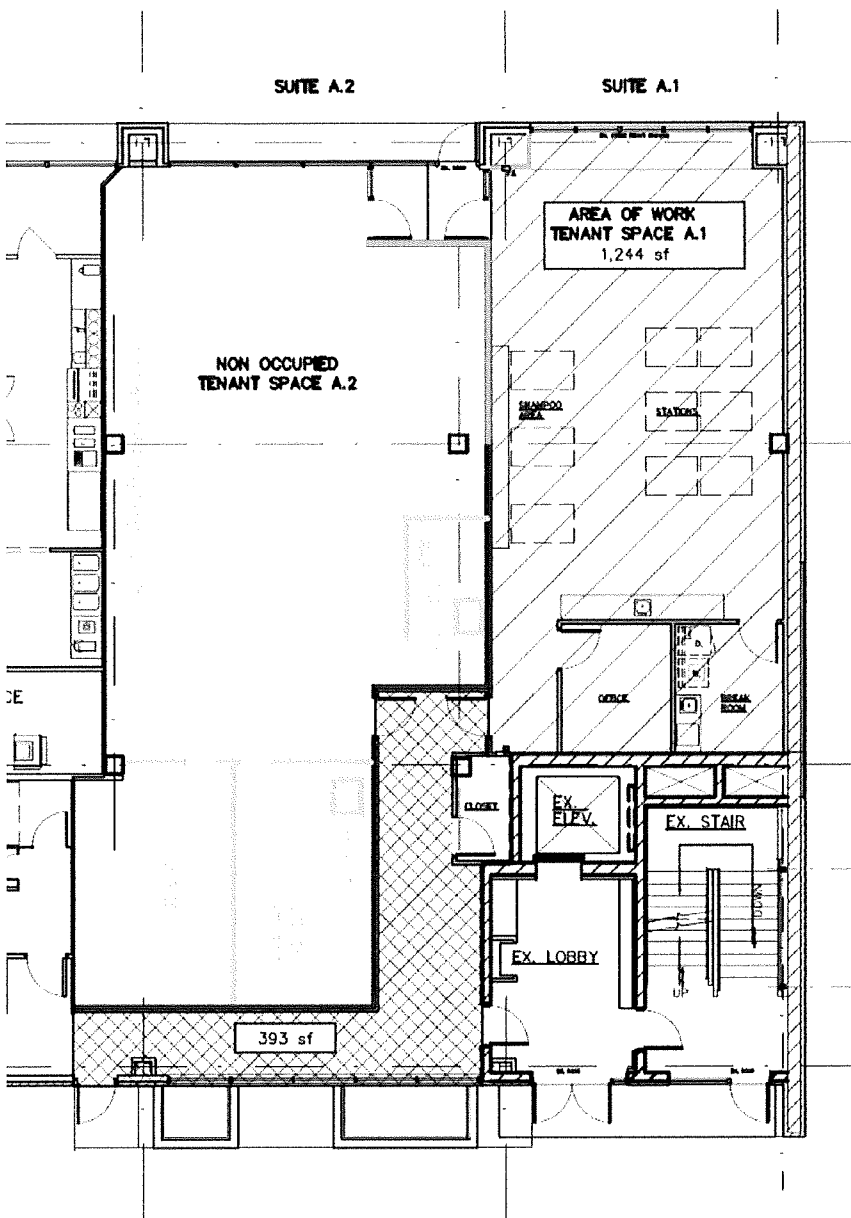
READ CAREFULLY BEFORE SIGNING: I, the **Undersigned**, authorize the above-named individual to act for the above-named corporation, nonprofit organization, or limited liability company with full authority and control of the premises and of all alcohol beverage activities on such premises. I certify that I am authorized by the above-named entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name Boulanger		First Name David		M.I. D
Title Owner	Email		Phone	
Signature 			Date 4/10/24	

Part E: Agent Attestation

READ CAREFULLY BEFORE SIGNING: I, the **Agent**, hereby accept this appointment as agent for the above-named corporation, nonprofit organization, or limited liability company and assume full responsibility for the conduct of all alcohol beverage activities on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name Boulanger		First Name David		M.I. D
Signature 			Date 4/10/24	



Business Plan: Delaire's

Executive Summary:

Delaire's is a unique establishment that combines the cozy ambiance of a traditional coffee shop with the sophisticated offerings of a cocktail bar. Located in the heart of Appleton, our café aims to provide a welcoming environment where customers can enjoy expertly crafted coffee beverages during the day and indulge in signature cocktails in the evening.

Business Description:

Delaire's will offer a diverse menu of high-quality coffee drinks, including espresso, cappuccino, latte, and specialty brews sourced from premium beans. Our skilled baristas will be trained to create exquisite coffee creations that cater to both traditional coffee aficionados and adventurous palates.

In addition to our coffee offerings, Delaire's will hold a liquor license, allowing us to serve a curated selection of spirits, wines, and craft beers. Our cocktail menu will feature innovative concoctions that blend classic recipes with modern twists, providing customers with a unique drinking experience.

Target Market:

Our target market includes a diverse range of individuals, including coffee enthusiasts, professionals seeking a relaxed workspace, students looking for a study spot, and individuals seeking a casual yet sophisticated atmosphere to socialize with friends or colleagues.

Competitive Advantage:

Delaire's distinguishes itself from traditional coffee shops by offering alcoholic beverages, creating a one-of-a-kind experience for customers. Our commitment to quality extends beyond our coffee beans to our selection of spirits, ensuring that every drink served meets the highest standards.

Additionally, our café will prioritize customer service, aiming to create a welcoming and inclusive environment where patrons feel valued and comfortable. Our knowledgeable staff will be trained to provide personalized recommendations and cultivate a sense of community among customers.

Marketing Strategy:

Delaire's will utilize a multi-faceted marketing approach to attract customers and build brand awareness. This strategy will include:

1. **Social media marketing:** Engaging with customers through platforms such as Instagram, Facebook, and Twitter to showcase our offerings, promote special events, and interact with our online community.
2. **Local partnerships:** Collaborating with nearby businesses, such as bookstores or art galleries, to cross-promote our café and attract a diverse clientele.
3. **Event hosting:** Hosting regular events, such as live music performances, trivia nights, or cocktail workshops, to create buzz and attract new customers.
4. **Loyalty programs:** Implementing a loyalty program to reward repeat customers and encourage customer retention.

Financial Plan:

Delaire's anticipates initial startup costs for equipment, furnishings, and renovations. We project steady growth in revenue over the first few years of operation, driven by increasing customer traffic and sales volume.


Revenue streams will primarily come from the sale of coffee beverages, alcoholic drinks, and light food offerings. We will carefully monitor expenses, including inventory, staffing, and marketing, to ensure profitability and sustainable growth.

In the event additional financing is required, Delaire's has the option to secure a line of credit of up to \$200,000 from one of our current businesses, providing flexibility to manage cash flow and unexpected expenses.

Conclusion:

Delaire's offers a unique concept that combines the warmth of a coffee shop with the allure of a cocktail bar. With a focus on quality, innovation, and exceptional customer service, we are confident that our café will become a beloved destination for coffee enthusiasts and cocktail aficionados alike, operating from 10 am to 10 pm to accommodate our diverse customer base.

Proposed Grafton lounge bar stalls at Plan Commission

 gmtoday.com/news_graphic/business/proposed-grafton-lounge-bar-stalls-at-plan-commission/article_6760f1a2-9575-11ec-aa9d-8f6037bb0a82.html

By Melanie Boyung - Special to the News Graphic

February 24, 2022

GRAFTON — A proposal for a gaming lounge bar in downtown Grafton stalled this week, as the Plan Commission tabled the conditional use permit the business will require in order to obtain more information.

David Boulanger submitted an application for the conditional use permit to the Plan Commission, which met Tuesday. Boulanger said the proposed business for 1208 12th Ave., the former location of Lash Boutique in the commercial complex at the corner of 12th Avenue and Washington Street, would be a small establishment called Bella's Gaming Lounge, serving beer and bar snacks.

The plan included several television sets for sports game viewing and five bar gaming machines. According to Boulanger, the bar would have only 10 to 15 patrons at a time on the high end; there would be limited seating under the business plan, and he said the business would not produce high levels of noise, as it would be a quiet place to lounge, relax and play games rather than a traditional bar.

The permit application was tabled after a public hearing and Plan Commission discussion, during which there were concerns about noise, gambling on the bar video games and whether such an establishment fit the character of what the village of Grafton envisioned for downtown.

Village President and Plan Commission Jim Brunnquell asked Boulanger about patrons being able to win money at the game machines, noting some bars have that type of machine. Boulanger said there are machines like that, but gave no specific information about what games or type of games he planned to use in Bella's Gaming Lounge, beyond that they would be coin-operated machines.

"It's just going to be just like what you'll see in other bars in the area, that's the best I can tell you," Boulanger said.

Several other Plan Commissioners inquired about the specific games as well, and expressed concerns about gambling and the business's hours. The permit application indicated hours of opening at 8 a.m. daily and closing at 12 a.m. or 2 a.m., though Boulanger said he planned to close by midnight daily.

"To have it open at 8 a.m. when you're serving primarily alcohol ... I think that could potentially be an issue," Plan Commissioner Brittany Hess said.

The village's Community Development Director Jessica Wolff noted in discussion that the state has limitations on the actions a commission can take when a conditional use is listed for a district within the zoning code.

"If I could remind the Plan Commission, bars are a conditional use in the downtown. There has to be very specific grounds for denying a condition use under state statute, legally," she said.

The Plan Commission tabled the matter to next month's meeting, and directed Wolff to gather additional information about potential impacts of the planned business and consult the village's legal counsel for information about the process and application.

During the public hearing on the permit, Jeff and Julie Prochnow spoke against the planned business. The Prochnows recently received village approval to convert space above the bar's proposed location into tourist rooming houses; their concern was that a bar downstairs would cause noise and disruption to their business and others in the building, as they said the building's design was not very soundproof.

"I'm not a fan of the use, given the other uses in there," Plan Commissioner Mark Paschke said.

Jeremy Hahn, a resident of West Bend, spoke in favor of Bella's Gaming Lounge during the hearing. He said the lounge bar business model would cause noise only similar to what other area businesses create, and not greater noise.

"This is the commerce district. Downtowns are more noisy," Hahn said.

Commission leery of plan for downtown bar

 ozaukeeexpress.com/content/commission-leery-plan-downtown-bar

February 25, 2022

[Home](#) » Commission leery of plan for downtown bar
February 25, 2022

A decision on a bar with gaming machines proposed for Grafton's Mill Square has been tabled amid concerns the operation may not fit into the village's downtown image.

The bar, which would be located in the former Lash Boutique Grafton at 1208 12th Ave., was proposed by David Boulanger.

Boulanger wants to establish a bar and video gambling lounge that only serves beer. He said the bar, which is not a franchise, would be the first he's opened.

Boulanger has not requested a full liquor license, which would come with a \$10,000 fee from the village.

Ozaukee Press

Wisconsin's largest paid circulation community weekly newspaper. Serving Port Washington, Saukville, Grafton, Fredonia, Belgium, as well as Ozaukee County government. Locally owned and printed in Port Washington, Wisconsin.

VILLAGE OF GRAFTON

PLAN COMMISSION MEETING MINUTES

MARCH 22, 2022

The Plan Commission meeting was called to order at 6:00 p.m. by Chair Jim Brunnuquell. The Pledge of Allegiance followed.

Plan Commissioners present: Village President Jim Brunnuquell, Trustee David Antoine, Carl Harms, Alan Kletti, Mark Paschke, and Heidi Ham

Commission members excused: Brittany Hess

Officials/Staff present: Trustee Amy Luft, Trustee Lisa Uribe Harbeck, Trustee Jim Miller, Trustee Dan Delorit, Community Development Director Jessica Wolff, Administrative Assistant Sara Young, and Village Attorney Johnathon Woodward.

MINUTES

Motion by Commissioner Harms, seconded by Commissioner Paschke, to approve the February 22, 2022 Plan Commission meeting as presented. Motion carried.

HEAR PERSONS REQUESTING TO BE HEARD

None.

STATEMENT OF PUBLIC NOTICE

The purpose of the public hearing is to review and comment on a request by Food Dog LLC for a conditional use permit for an embroidery facility (Light Industrial) known at World Emblem International at 1000 Hickory Street
Statement of public notice was given by Administrative Assistant Sara Young. Community Development Director Jessica Wolff gave a summary on the conditional use permit request. She stated that the applicant is requesting a conditional use permit at the former Control Products facility. The business would occupy 36,200 square feet and offer embroidery services for garments and other marketing materials. The World Emblem has facilities in Texas, Illinois, Georgia, California, and Canada. The floor plan includes embroidery equipment, warehousing, shipping area, offices, and restrooms. Hours of operation will be 7:00 a.m. to 11:00 p.m. Monday through Friday, 5:00 a.m. to 4:00 p.m. Saturday, and 7:00 a.m. to 4:00 p.m. Sunday (weekend hours only as needed). They will have two shifts with 30 employees per shift. They expect daily deliveries via box truck and monthly deliveries via semi-truck. Standard security measures will be used. The business plans to be open in April.

Lawrence Kifer and Jeff Stancoff were present to answer questions. Chair Brunnuquell opened the public hearing.

Amy Luft, 1955 Comanche Court.

Trustee Luft inquired if there would be any retail customers. Mr. Kifer responded that it would be business to business commerce, e-commerce and shipping, but no direct retail sales.

Dan Delorit, 772 Overland Trail.

Trustee Delorit asked if the business would use the loading dock in Hickory Street. Mr. Kifer responded that there were no specific plans for use of the loading dock but they were not removing it.

There were no questions from the Plan Commission. Chair Brunnuell closed the public hearing.

Consideration on a review of a conditional use permit for an embroidery business (Light Industrial) at 1000 Hickory Street

Motion by Commissioner Harms, seconded by Commissioner Kletti, to approve a conditional use permit for an embroidery business (Light Industrial) with the following conditions:

1. Use shall be limited to a total of 36,200 square feet.
2. Hours of operation shall be limited to 7:00 a.m. to 11:00 p.m. Monday through Friday, 5:00 a.m. to 4:00 p.m. Saturday, and 7:00 a.m. to 4:00 p.m. Sunday (weekend hours only as needed).
3. Add a bike rack on a hard surface near an entrance to be approved by the Community Development Director.
4. Add a dumpster enclosure on a concrete pad to be approved by the Community Development Director.
5. Repave and stripe the parking lot with required handicap spaces prior to occupancy as approved by the Community Development Director.
6. Refresh all landscaping and replace any dead or dying plants as approved by the Community Development Director.
7. The life safety and fire suppression system shall be approved by the Fire Inspector.
8. Obtain an occupancy permit from the Community Development Department.
9. Signage to be reviewed and approved by the Community Development Director subject to Chapter 20 Signs.
10. All building code, fire code, and other Village and State codes pertaining to the business will be met.

Motion carried.

STATEMENT OF PUBLIC NOTICE

The purpose of the public hearing is to review and comment on a request by FCH Grafton LLC for a conditional use permit for a restaurant known as The Stillery at 1304 12th Avenue

Statement of public notice was given by Administrative Assistant Young. Director Wolff stated that the applicant is requesting a conditional use permit for a full service family restaurant in the former Atlas BBQ. This would be a second location for The Stillery in addition to the current location in Richfield. The business would occupy 5,600 (5,100 square feet on the first floor and 500 square feet on the second floor for a staff-only room)

and offer a diverse menu and full bar. The existing floor plan will remain largely unchanged with the exception of remodeling the bar area. Requested hours of operation are 11:00 a.m. to 2:30 a.m. daily. The business will have two shifts with up to 30 employees per shift. They expect daily weekday deliveries via box truck and standard security measures will be used. The business plans to be open in August. Director Wolff also noted that she is recommending an additional condition of approval related to continued hosting of the sound equipment for Paramount Plaza.

Peter Kotsakis was present to answer any questions or concerns. Chair Brunnquell opened the public hearing. There were no public comments or concerns.

Commissioner Kletti commented he was happy the site is being used. Commissioner Harms asked for confirmation as to changes to the floorplan. Mr. Kotsakis confirmed that one room on the second floor would be for staff and that the small back room would be available for small gatherings in the future.

Chair Brunnquell closed the public hearing.

Consideration on the conditional use permit for a restaurant at 1304 12th Avenue

Motion by Commissioner Paschke, seconded by Commissioner Kletti, to approve a conditional use permit for a restaurant at 1304 12th Avenue with the following conditions:

1. Use shall be limited to a total of 5,600 square feet.
 2. Hours of operation shall be limited to 11:00 a.m. to 2:30 a.m. daily.
 3. Disposal of empty cans/bottles shall be restricted to 11:00 a.m. to 7:00 p.m.
 4. Submit an updated floor plan with seating.
 5. Use of the second floor is restricted until all Building and Fire Codes are met.
 6. Shall provide access to the sanitary sewer manhole on the west side of the building for periodic jetting.
 7. Request Village Board approval of use of space in Paramount Plaza along the building frontage for seasonal outdoor seating.
 8. Sink disposal of all waste fats, oils, and greases shall be connected to a grease interceptor.
 9. Provide an evaluation of the sprinkler/alarm system based on interior modifications to be approved by the Fire Inspector.
 10. The life safety and fire suppression system shall be approved by the Fire Inspector.
 11. Obtain an occupancy permit from the Community Development Department.
 12. Signage to be reviewed and approved by the Community Development Director subject to Chapter 20 Signs.
 13. All building code, fire code, and other Village and State codes pertaining to the business will be met.
 14. Shall continue to host the sound equipment used in Paramount Plaza.
- Motion carried.

STATEMENT OF PUBLIC NOTICE

The purpose of the public hearing is to review and comment on a request by S & L Properties Grafton LLC for a conditional use permit for a drive through expansion at Culver's at 2001 Wisconsin Avenue

Statement of public notice was given by Administrative Assistant Young. Director Wolff stated that the applicant is requesting a conditional use permit to add a second drive through lane at their existing location. The drive through would be located on the west side of the existing drive through. Director Wolff also noted that emergency access and dumpster enclosure placement are acceptable; these conditions have been removed.

The applicants' representatives Emily Bublitz and Michael Connor from McCON Building Corporation were available for questions or concerns. Chair Brunnuquell opened the public hearing.

Trustee Luft asked if this second lane would cause additional back up of waiting vehicles causing a congestion problem. Ms. Bublitz confirmed that ownership has addressed this issue and has made internal workflow adjustments to accommodate queued vehicles.

Trustee Antoine asked if all Culver's were moving to two lane drive-throughs. Ms. Bublitz stated that the decision falls to each ownership group.

Commissioner Harms inquired if barriers should be put in front of the dumpsters. President Brunnuquell suggested adding a concrete bollard at the corner and the applicant agreed. Commissioner Paschke commented on the traffic direction on the east side of the parking lot. Mr. Connor confirmed the driveway meets the 24 foot standard width to accommodate two-way traffic.

Chair Brunnuquell closed the public hearing.

Consideration of the conditional use permit for a drive through expansion at Culver's at 2001 Wisconsin Avenue

Motion by Trustee Antoine, seconded by Commissioner Harms, to approve the conditional use permit for a drive through expansion at Culver's at 2001 Wisconsin Avenue with the following conditions;

1. Use shall be limited to a total of two drive through lanes.
2. No change to hours of operation.
3. Add a bike rack on a hard surface near a customer entrance to be approved by the Community Development Director.
4. Install bollard at corner of dumpster enclosure to be approved by Community Development Director.
5. Obtain an occupancy permit from the Community Development Department.
6. Signage to be reviewed and approved by the Community Development Director subject to Chapter 20 Signs.
7. All building code, fire code, and other Village and State codes pertaining to the business will be met.

Motion carried.

Review and consideration of a site plan for a drive through expansion at Culver's at 2001 Wisconsin Avenue

Motion by Commissioner Harms, seconded by Commissioner Kletti, to approve a site plan for a drive through expansion at Culver's at 2002 Wisconsin Avenue with the following condition: Inspect the landscaping this spring with the applicant; replace overgrown plants and fill in dead or dying plants/trees as approved by the Community Development Director. Motion carried.

STATEMENT OF PUBLIC NOTICE

The purpose of the public hearing is to review and comment on a request by Alan and Rebecca Goldman to rezone land located on Hunter's Lane (Parcel 10-019-13-005.00) from MF-14 Multi-Family Residential-14 to I Institutional

Statement of public notice was given by Administrative Assistant Young. Director Wolff stated that the applicant is requesting that their property on Hunter's Lane west of Port Washington Road be rezoned from MF-14 Multi-Family Residential-14 to I Institutional to accommodate the proposed institutional residential facility known as Woodside Prairie. The project previously obtained conditional use permit and site plan approval from the Plan Commission however, this approval has expired since no activity took place. Director Wolff noted that this development will be considered an "Institutional Residential Facility" under the Zoning Ordinance because no State licenses for care of adults (i.e., CBRF) She stated that she had been informed of a change to the proposed usage and would now need to address the zoning to meet the projects new proposed intent. She has received no public input on the project so far.

The property owners Alan and Rebecca Goldman and Michael Carlson from Impact Seven were available for questions or concerns. Commissioner Paschke abstained from discussion due to his involvement with this project. Chair Brunnquell opened the public hearing.

Michael Carlson, 2961 Decker Drive, Rice Lake, WI 54868.

Mr. Carlson, representing Impact7, a 501(c)3 hired by the Goldmans, stated that there were no changes to the site plan from the 2020 project. However, the Section 42 tax program funding for the project required the housing be available to the public and could not be limited to only student housing manger renters.

Mark Paschke, 405 9th Avenue.

Mr. Paschke explained that the facility would have general housing managers rather than student managers.

Rebecca Goldman, 3368 N. Summit Avenue, Milwaukee, WI 53211.

Mrs. Goldman provided background on the intent of the project and explained that they want a community with a variety of residents not just autistic adults.

Chair Brunnquell noted that the Commission still supports the project but that the use of "Institutional Residential" and rezoning to "Institutional" is not appropriate given the updated usage as stated by applicant. He suggested tabling the items until the proposal could be submitted accurately with the applicable zoning and that it could not go further as it was listed in the agenda.

There were no more comments or concerns. Chair Brunnquell closed the public hearing.

Motion by Commissioner Kletti, seconded by Commissioner Harms, to table all items related to Woodside Prairie. Motion approved (Paschke – abstain).

STATEMENT OF PUBLIC NOTICE

The purpose of the public hearing is to review and comment on a conditional use permit requested by David Boulanger for a bar at 1208 12th Avenue

Statement of public notice was given by Administrative Assistant Young. Director Wolff gave an updated summary on the returning conditional use permit for Bella's Gaming Lounge. She noted that this item was tabled at the February meeting. The main concerns are noise, level of activity, and "fit" in the downtown area. Director Wolff stated that she is recommending changes in the hours of operation to 11:00 a.m. to midnight daily and having no sound on any gaming machines. She recently worked with the applicant and the Prochnows on the second floor on sound testing and found no concerns for sound in the bar area.

Johnathon Woodward, Village Attorney, gave an overview of the legal opinion regarding the gaming machines. Video gaming machines where there is cash payout, and where the business owner receives compensation, are unlawful and considered gambling, which is illegal in the state of Wisconsin.

Director Wolff received two public comments opposed to the project from Mike Bowen at 1121 13th Avenue and Jay Jorgenson at 2721 First Avenue.

David and Courtney Boulanger were present to answer any questions or concerns. Chair Brunnquell opened the public hearing.

David Boulanger, 1024 Sumac Dr, West Bend, WI 53090.

Mr. Boulanger requested that condition #4 be changed to allow low sound on the gaming machines since it was determined that sound is not a problem. He also requested to remove condition #5 because the Department of Revenue says the machines have to pay out.

Laura Kacmarcik, 1000 Badger Circle.

Mrs. Kacmarcik is concerned that this type of use does not belong downtown. They will use the Air BnBs for visitors and she does not think it will be safe. She is also concerned about impact on high school students and parking.

Dan Delorit, 772 Overland Court.

Trustee Delorit asked if this business was part of a chain and stated that his constituents had public safety concerns with the proposed operation. Mrs. Boulanger confirmed the business is not part of a chain and that they would have a Coin Operator License.

Courtney Boulanger, 1024 Sumac Dr, West Bend, WI 53090.

Mrs. Boulanger noted that the gaming lounge is for watching sports. They filled out the amusement license as required and wants equal protection similar to other bars.

Commissioner Paschke noted that the State statute for gaming machines does not allow the customer to receive a monetary gain.

Commissioner Hamm noted her concern for public health and additional implications with the gaming machines related to addiction, women, and the elderly. The algorithms used by these types of machines are designed to make users become addicted to variable reinforcement based on extended use and increased wagering. She does not believe this type of operation would be in accordance with Village Code or legal under Village Ordinance.

Chair Brunnuell asked Mr. Boulanger if he would be willing to move forward with the conditions, including updating item #5 to include no cash payouts from the gaming machines, to bring the proposal into legal compliance; Mr. Boulanger declined.

There were no more comments or concerns. Chair Brunnuell closed the public hearing and proposed the motion to deny the request based on the illegality of gambling per State of Wisconsin Statute and Village Ordinance.

Consideration on the conditional use permit requested by David Boulanger for a bar at 1208 12th Avenue

Motion by Commissioner Paschke, seconded by Commissioner Kletti, to deny a conditional use permit for a bar and gaming lounge at 1208 12th Avenue. Motion carried.

Review and consideration of a site plan for a food truck site known as Grafton Station at 1020 Washington Street

The Village was approached by a food truck vendor about using the former Clark gas station site for his business. The original plan for the Clark site was to work with the property owner to the north to combine the two properties for a mixed use redevelopment project. Unfortunately, the property owner has indicated to staff that they are not in a position to move forward in the near future. As such, staff is expanding on the food truck idea to create a Village-run food truck site.

The site plan includes paving the majority of the site and creating a one-way traffic flow (entry on Washington Street and exit on 11th Avenue), a seating area, two spaces for food trucks/trailers, bike racks, and parking. Electrical service would also need to be reestablished so that food trucks do not need to use generators which can be noisy. Staff hopes to have the site open in June.

Commissioner Kletti inquired if there would be restrooms on site. Director Wolff responded that none would be needed. Commissioner Harms asked if users would need permits from the Village to use the space. Director Wolff responded yes, and that staff is working on an application.

Chair Brunnquell stated that this project had been discussed at the Finance Committee meeting and that this was just a Site Plan consideration to clean up a Village owned site.

Motion by Commissioner Harms, seconded by Commissioner Paschke, to approve a site plan for food truck site at 1020 Washington Street, as presented. Motion carried.


Director's Update

None.

Adjourn

Motion by Commissioner Kletti, seconded by Trustee Antoine, to adjourn the meeting at 7:15 p.m. Motion carried.

Gaming lounge denied for downtown

 gmtoday.com/news_graphic/business/gaming-lounge-denied-for-downtown/article__197ddc84-af01-11ec-ad64-47264c4bfb5.html

By Melanie Boyung - Special to the News Graphic

March 29, 2022

GRAFTON — A bar and gaming lounge proposed for downtown Grafton was denied last week, after research from the village's legal counsel found that the coin-operated gaming machines the applicant planned to install were against state law.

Proposed Grafton lounge bar stalls at Plan Commission

GRAFTON — A proposal for a gaming lounge bar in downtown Grafton stalled this week, as the P...

The village of Grafton Plan Commission met last week, and reconsidered a conditional use permit application from David Boulanger for Bella's Gaming Lounge; he originally came to the commission in February, planning a bar that would serve beer and bar snacks, with several television sets for sports game viewing in the bar and five coin-operated gaming machines.

Boulanger planned the new business for 1208 12th Ave., the former location of Lash Boutique in the commercial complex at the corner of 12th Avenue and Washington Street. The matter was tabled last month for further information due to concerns about gambling on the coin-operated game machines, noise disrupting neighboring businesses and the proposed hours of a drinking establishment opening at 8 a.m.

While some concerns were addressed between the February meetings — he agreed to limit his hours to 11 a.m. to 10 p.m. instead of 8 a.m. to midnight, and sound tests found most normal noise from the space did not disrupt neighbors — village information stated Boulanger had also decided to pursue a full liquor license, instead of just beer licensing.

Boulanger said he intended on using the game machines and that they would have payouts of some kind where customers could win money or value.

"Essentially, under Wisconsin law, any device that provides value in a game of chance is considered illegal under Wisconsin statutes and village ordinance," attorney Jonathan Woodward said during last week's Plan Commission meeting.

Planning staff's report on the conditional use permit included a recommendation that Boulanger be required to not have payouts from the gaming machines. Boulanger did not agree to that condition, at which point the Plan Commission denied the permit application.

There was some discussion on the machines. Boulanger said the state department of revenue required the bar game machines to have cash payouts. He said also that there were other establishments in Grafton that used the gambling machines, and asked why the village had gaming licenses if it was illegal.

Community Development Director Jessica Wolff clarified that the village had amusement licenses for coin-operated video games machines; the license is for all pay-to-play video games, some of which do not involve gambling and payouts.

Woodward and Village President Jim Brunquell said whether there may be similar machines in other places in the village was also irrelevant. The Plan Commission was considering Boulanger's application for Bella's Gaming Lounge, which included gaming machines that were for gambling purposes, according to legal definition.

"You're asking us to authorize what our attorney said is an illegal practice," Brunquell.

According to the legal opinion given to the village, Wisconsin statute states anyone who "Permits any real estate owned or occupied by him or her or under his or her control to be used as a gambling place," or "permits a gambling machine to be set up for use for the purpose of gambling in a place under his or her control," is guilty of a misdemeanor or violation of law.

Michael Herbrand and Bennett Jenkins of Houseman and Feind sent the opinion.

Pictures of the establishment at at 823 W. College Ave taken on 10/16/2024





"...meeting community needs...enhancing quality of life."

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 11/26/2024

RE: Police Department's Investigation into Delaire's Reported Gambling Machine Operation

Committee Members:

On 10/16/24 I received email correspondence from City of Appleton attorney Zak Buruin. Attorney Buruin informed me a new bar attempting to open at 823 W. College Ave. known as Delaire's initially had their alcohol license approved by the Safety and Licensing committee. On the licensing application, Delaire's is reportedly going to be a coffee bar and a traditional bar serving alcoholic beverages. However, Alderperson Van Zeeland received reports from her constituents that Delaire's actually planned on using the business as a gambling parlor. The City Council sent the alcohol license application back to the Safety and Licensing committee to review based on this information. Attorney Buruin informed me the owner of Delaire's, David Boulanger, previously tried opening a bar with gaming machines in Grafton, WI in 2022 but was denied by Grafton's planning commission.

On 10/23/24 Alderperson Van Zeeland e-mailed me contact information for the main complainant about Delaire's, identified as Jaime Pappenfuss. Jaime runs a salon directly next door to Delaire's. On 10/24/24 I spoke with Jaime over the phone to get her statement. Jaime stated someone gave a person from Delaire's a key to access her business (they have a joint rear hallway within the building) to look for some sort of electrical hook up. Jaime was at her salon when this occurred. Jaime spoke with the male who came over and asked if there was going to be a coffee bar in the establishment and the male said "yeah, well not really one with drinks but more of a gambling machine lounge." Jaime informed me she did an internet search and discovered David's past encounter in Grafton. Jaime then forwarded this information to Alderperson Van Zeeland.

Jaime stated the above-mentioned comment about the business being a gambling machine lounge was captured on her salon cameras. Jaime sent me the video clip in question which I saved to evidence.com. The video shows Jaime asking an unidentified white male what was going in the business next door. The male responded, "A bar but not really (unintelligible) gambling machines". There was some background noise while the male was speaking, and I couldn't make

out all of his words. Jaime then laughed and asked, "like Big Daddy and all that?" and the male said "yeah". After viewing the video and comparing the side view of the male's face with David's DOT photo it does not appear that David is the one on video. The video was recorded on 10/15/24 at 2:33 pm according to the time stamp on the footage.

After speaking with Jaime, I went by Delaire's and viewed the interior of the bar from the storefront window. The business had a small bar area, several high back seats with tables, and a small couch seating area. There were no gambling machines visible at that time.

Later on 10/24/24 I spoke on the phone with Timm Gloudemans, who works for Buss Electric Inc. Timm was the electrical inspector hired by Delaire's to complete the electrical permit for the business. I asked Timm if there was anything unusual about his time in Delaire's or anything from an electrical wiring standpoint and he said no. Timm advised the inspection was pretty standard and nothing suspicious occurred. Timm did not know anything about gambling machines being installed at the business.

I attempted to speak with the owner of Amberlulu Bubble Tea and Desserts (Uni Uni) which is the business on the other side of Delaire's. I went by Uni Uni on 11/6/24 and spoke with the manager, who called and messaged the owner Fannie, but she did not respond. I left the manager my business card and asked her to have Fannie call me. I called Fannie and left her a voicemail and have yet to receive a call back. Jaime indicated Fannie may have more information about the gambling machine allegations which is why I reached out to her.

Jaime also gave me a phone number for the landlord of the property, identified as Jeff. I called Jeff on 11/16/24 and left a voicemail asking him to call me back.

On 11/16/24 I spoke with David over the phone to get his statement. I told David I had received complaints that his new business was going to operate as a gambling parlor instead of a bar. David stated he had no intentions of running any sort of gambling operation and was opening the business as a bar just as he indicated on his alcohol license application. I told David about the video Jaime sent me and he stated he had no idea who she spoke with that made that comment on the video. David said he did not plan on having any sort of gambling machines at all. He said in the future he may install some amusement devices that do not pay out any money but that's it.

As of 11/26/24 I have not developed any other leads to investigate this complaint.

Respectfully submitted,

Ben Goodin
Lieutenant
Appleton Police



December 6, 2024

Emil Ovbiagele
emil@ovblaw.com

[via Email Only]
City of Appleton
Attn: Kami Lynch
kami.lynch@appleton.org

RE: REQUEST TO HOLD LICENSING HEARING
Delaire's LLC – 823 W College Ave.

Dear Ms. Lynch,

Please be advised that my office has been retained by Delaire's LLC, and its agent, David Boulanger, as it pertains to my client's business license applications to operate at 823 W College Ave., Appleton, WI 54914.

My client is currently scheduled to come before the Safety and Licensing Committee on December 11, 2024. However, after careful consideration, my client is requesting that their appearance before the Safety and Licensing Committee be held until a later date. At this time, my client needs the additional time to meet with community members and those who have special interest in the business. The additional time will further allow my client the ability to provide the Committee with more information concerning their business operations.

Please feel free to direct any questions to me concerning my client's matter. I appreciate your attention to this matter.

Very Truly Yours,

OVB Law & Consulting, S.C.

/s/

Emil Ovbiagele, JD, MBA
Attorney

OEO/*ab*

826 N Plankinton Ave.
414. 585. 0588 (office)

Suite 600
ovblaw.com

Milwaukee, WI 53203
414. 255. 3031 (fax)

DELAIRE'S LLC

823 W. College Ave., Appleton, WI 54914

2025 BUSINESS PLAN

EXECUTIVE SUMMARY:

Delaire's is a unique establishment that combines the offerings of a traditional bar, along with a fun group activity to bring in new customers; that being board games! Located in the heart of Appleton, our business aims to provide a welcoming environment where customers can enjoy a drink while playing their favorite games with friends. Board games are a great way to get people off their phones and to interact with each other once again.

BUSINESS DESCRIPTION:

Delaire's will offer a diverse menu of drinks, like other bars that you would typically find in the Appleton area, except ours includes board games as our focus for several reasons. Market research has shown that when people are focused on an activity, they will sit longer, in turn consuming more drinks. Board Games are a very inexpensive way to add a familiar attraction that no other bars have in the area.

Board Games are great for all ages! Whether you are in your early 20s looking to play a fun game of Card Against Humanity, or perhaps you are older and a bit more nostalgic, and you would like to play a game of Monopoly. Whatever you are looking for, Delaire's is sure to have it. It's time to get off your phone and have a fun night out at Delaire's.

TARGET MARKET:

Our target market includes a diverse range of individuals, including beer enthusiasts, professionals seeking a relaxed workspace, students looking for a study spot, and individuals seeking a casual yet sophisticated atmosphere to socialize with friends or colleagues. Socialization is at the core of all board games, as they bring groups of people together for a common goal, that being having fun.

COMPETITIVE ADVANTAGE:

This business model has already been proven in West Bend, Wisconsin. The main competitive advantage of this establishment over other bars, is that Delaire's offers a destination to play board games. You can grab a beer at any other bar in town, and they will all be the same. But where can you get a great craft beer to enjoy with friends over some fun games to keep the night exciting? Delaire's is that answer.

Additionally, we will prioritize customer service, aiming to create a welcoming and inclusive environment where patrons feel valued and comfortable. If there are games that we do not have, and if our patrons want to play them, we will go out and buy it. Our knowledgeable staff will be trained to provide personalized recommendations and cultivate a sense of community among customers.

MARKETING STRATEGY:

Delaire's will utilize a multi-faceted marketing approach to attract customers and build brand awareness. This strategy will include:

1. Social media marketing: Engaging with customers through platforms such as Instagram, Facebook, and X/Twitter to showcase our offerings, promote special events, and interact with our online community.
2. Local partnerships: Collaborating with nearby businesses, such as bookstores or art galleries, to cross-promote our establishment and attract a diverse clientele.
3. Event hosting: Hosting regular events, such as live music performances, trivia nights, or cribbage matches, to create buzz and attract new customers.
4. Loyalty programs: Implementing a loyalty program to reward repeat customers and encourage customer retention.

FINANCIAL PLAN:

Delaire's anticipates initial startup costs for equipment, furnishings, and renovations. We project steady growth in revenue over the first few years of operation, driven by increasing customer traffic and sales volume.

Revenue streams will primarily come from the sale of non-alcoholic beverages, alcoholic drinks, and light food offerings. We will carefully monitor expenses, including inventory, staffing, and marketing, to ensure profitability and sustainable growth.

In the event additional financing is required, Delaire's has the option to secure a line of credit of up to \$200,000 from one of our current businesses, providing flexibility to manage cash flow and unexpected expenses.

CONCLUSION:

Delaire's offers a unique concept that combines the allure of a traditional bar, along with an entertainment aspect that no others in the area will have, being board games. With a focus on quality, innovation, and exceptional customer service, we are confident that our business will become a beloved destination for board game enthusiasts and cocktail aficionados alike, operating from 10:00 AM to 10:00 PM to accommodate our diverse customer base.



City of Appleton

Alcohol License Questionnaire

1. Applicant Name: David Boulanger

2. Business Name: Delaire's LLC

Date the LLC/corporation/partnership/sole proprietorship commenced: 09/20/2022

NOTE: A copy of a business's Wisconsin Department of Revenue Seller's Permit is required to be submitted with an alcohol license application.

3. Business Address: 823 W College Ave., Appleton, WI 54914

4. Primary Business Activity:

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Other (describe) _____

5. Select the type of business premises: Existing Building New Construction

If existing building, please indicate the primary nature of the previous business that operated at this location: N/A

6. Do you lease or own the building? Lease Own

NOTE: Proof of control of premises is required to be submitted with an alcohol license application. Acceptable documents include a lease or purchase agreement.

What is the date of purchase or the date the lease began? October 2024

7. Did you purchase the business from another individual entity? Yes No

If yes, is your acquisition of the business based upon an "arm's length transaction"?

An arm's length transaction is defined as an open market sale in which the owner is willing but not obligated to sell, and the buyer is willing, but not obligated to buy.

Yes No

If yes, are you related to the former business owner/licensee by blood, adoption, or marriage?

Yes No

Did you hold ANY interest in the previously licensed business, or related real estate or equipment used by the previous business?

Yes No If yes, explain: _____

8. Anticipated date of opening? Spring 2025

9. Will your business sell or serve food?

Yes If yes, please describe the type of food offerings available _____

No

10. Fill in the information about operational details listed below. Attaching a copy of the floor plan is encouraged.

Seating Capacity: Inside: 20

Outside: 0

Operating Days/Hours: Inside: 10am-10pm

Outside: -

Employees/Staff (per shift/day) Number of Personnel: 1

Approximate floor building area of the premises to be licensed: 1779 sq. ft.

Approximate outdoor area of the premises to be licensed: 0 sq. ft.

Summarize the day-to-day operations of the business in the space below:

The business will operate as a coffee bar and board game bar. Please see the enclosed Delaire's LLC 2025 Business Plan for further information concerning the business operations.

I, the applicant, understand that providing materially false information on this or any application for a license or permit under State Statute §125 is subject to civil, monetary, and license penalties. I understand that providing false information to a police officer in conjunction with the required background check for this application is subject to criminal and civil prosecution as "obstructing an officer".

David Boulanger

Signature

Jan 8, 2025

Date






Delaire's 2025 Alcohol License Questionnaire (Updated)

Final Audit Report

2025-01-08

Created:	2025-01-08
By:	Austin Baldwin (austin@ovblaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAYllfy8B7dNZvokbXVcajECotVU96HW-

"Delaire's 2025 Alcohol License Questionnaire (Updated)" History

-  Document created by Austin Baldwin (austin@ovblaw.com)
2025-01-08 - 2:55:57 PM GMT
-  Document emailed to David Boulanger (drummer13925@gmail.com) for signature
2025-01-08 - 2:56:56 PM GMT
-  Email viewed by David Boulanger (drummer13925@gmail.com)
2025-01-08 - 2:59:41 PM GMT
-  Document e-signed by David Boulanger (drummer13925@gmail.com)
Signature Date: 2025-01-08 - 3:08:16 PM GMT - Time Source: server
-  Agreement completed.
2025-01-08 - 3:08:16 PM GMT

Form
AB-200

Alcohol Beverage License Application

For Municipal Use Only	
Municipality	Appleton
License Period	24-25

License(s) Requested: (up to two boxes may be checked)

- Class "A" Beer \$ _____ Class "B" Beer \$ 160
 "Class A" Liquor \$ _____ "Class B" Liquor \$ _____
 "Class A" Liquor (cider only) \$ _____ Reserve "Class B" Liquor \$ 16,500
 "Class C" Liquor (wine only) \$ _____ Deposit \$50

Fees	
License Fees	\$10,600
Background Check Fee	\$ 7
Publication Fee	\$ 60
Total Fees	\$10,667

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietorship) <u>La Bodega Nightclub LLC</u>			
2. Business Trade Name or DBA <u>La Bodega lounge</u>			
3. FEIN		4. Wisconsin Seller's Permit Number	
5. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization			
6. State of Organization <u>Wisconsin</u>		7. Date of Organization <u>12/16/2024</u>	8. Wisconsin DFI Registration Number
9. Premises Address <u>531 W College Ave</u>			
10. City <u>Appleton</u>		11. State <u>WI</u>	12. Zip Code <u>54911</u>
13. County <u>Outagamie</u>		14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: <u>Appleton</u>	15. Aldermanic District
16. Premises Phone <u>920-450-8592</u>		17. Premises Email <u>SantiJuaco@gmail.com</u>	18. Website
19. Premises Description - Describe the building or buildings where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. <u>The building is 2800 sqft. The Alcohol is stored down stairs on north side of building. Alcohol will be served upstairs. At the bar lounge Area. The Alcohol will only be consumed upstairs.</u>			
20. Mailing Address (if different from premises address) <u>531 W College Ave</u>			
21. City <u>Appleton</u>		22. State <u>WI</u>	23. Zip Code <u>54911</u>

Part B: Questions

1. Has the business (sole proprietorship, partnership, limited liability company, or corporation) been convicted of violating federal or state laws or local ordinances? Exclude traffic offenses unless related to alcohol beverages. Yes No

If yes, list the details of violation below. Attach additional sheets if necessary.

Law/Ordinance Violated	Location	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Law/Ordinance Violated	Location	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No	

2. Are charges for any offenses pending against the business? Exclude traffic offenses unless related to alcohol beverages. Yes No
 If yes, describe the nature and status of pending charges using the space below. Attach additional sheets as needed.

3. Is the applicant business or any of its officers, directors, members, agent, employees, owners, or other related individuals or entities a restricted investor with any interest in an alcohol beverage producer or distributor? Yes No
 If yes, provide the name of the restricted investor and describe the nature of the interest.

4. Is the applicant business owned by another business entity? Yes No
 If yes, provide the name(s) and FEIN(s) of the business entity owners below. Attach additional sheets as needed.

4a. Name of Business Entity	4b. Business Entity FEIN
-----------------------------	--------------------------

5. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit proof of completion. Yes No
 6. Is the applicant business indebted to any wholesaler beyond 15 days for beer or 30 days for liquor/wine? Yes No
 7. Does the applicant business owe past due municipal property taxes, assessments, or other fees? Yes No

Part C: Individual Information

List the name, title, and phone number for each person or entity holding the following positions in the applicant business or businesses listed in Part B, Question 4: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all members, managers, and agent of a limited liability company. Attach additional sheets if necessary.
 Include Form AB-100 for each person listed below. Corporations and LLCs must appoint an agent by including Form AB-101.

Last Name	First Name	Title	Phone
Santiago - Hernandez	Juan	Owner	

Part D: Attestation

One of the following must sign and attest to this application:
 • sole proprietor • one general partner of a partnership • one corporate officer • one member of an LLC

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name Santiago - Hernandez	First Name Juan	M.I. A
Title Owner	Email	Phone
Signature 	Date 12-09-24	

Part E: For Clerk Use Only

Date Application Was Filed With Clerk 12/20/24	License Number	Date License Granted	Date License Issued
Signature of Clerk/Deputy Clerk		Date Provisional License Issued (if applicable)	

Alcohol Beverage Appointment of Agent

Date

Agent Type (check one)	
<input checked="" type="checkbox"/> Original (no fee)	<input type="checkbox"/> Successor (\$10 fee for municipal licensees only)

Part A: Business Information	
1. Legal Business Name (individual name if sole proprietor) <i>La Bodega Nightclub LLC</i>	
2. Business Trade Name or DBA <i>LA Bodega Lounge</i>	
3. Entity Type (check one) <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization	
4. Alcohol Beverage Business Authorization (check one) <input checked="" type="checkbox"/> Municipal Retail License <input type="checkbox"/> State Permit	5. If successor agent, provide State Permit or Municipal Retail License Number
6. Describe the reason for appointing a successor agent, if successor is checked above. <i>New business</i>	


Part B: Agent Information			
1. Last Name <i>Santiago-Hernandez</i>	2. First Name <i>Juan</i>	3. M.I. <i>A</i>	
4. Email		5. Phone	
6. Home Address <i>1301 Maller St</i>			
7. City <i>Menasha</i>	8. State <i>WI</i>	9. Zip Code <i>54952</i>	10. Age
11. Drivers License/State ID Number		12. Drivers License/State ID State of Issuance	

Part C: Agent Questions	
1. Have you satisfied the responsible beverage server training requirement? Submit proof of completion.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Have you completed Form AB-100, <i>Alcohol Beverage Individual Questionnaire</i> ? Submit a completed Form AB-100 with this form.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. Have you been a Wisconsin resident for at least 90 continuous days? See instructions for exceptions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Continued →


Part D: Business Attestation

READ CAREFULLY BEFORE SIGNING: I, the **Undersigned**, authorize the above-named individual to act for the above-named corporation, nonprofit organization, or limited liability company with full authority and control of the premises and of all alcohol beverage activities on such premises. I certify that I am authorized by the above-named entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name <i>Santiago - Hernandez</i>		First Name <i>Juan</i>		M.I. <i>A</i>
Title <i>Owner</i>	Email		Phone	
Signature 			Date <i>12-06-24</i>	

Part E: Agent Attestation

READ CAREFULLY BEFORE SIGNING: I, the **Agent**, hereby accept this appointment as agent for the above-named corporation, nonprofit organization, or limited liability company and assume full responsibility for the conduct of all alcohol beverage activities on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name <i>Santiago - Hernandez</i>		First Name <i>Juan</i>		M.I. <i>A</i>
Signature 			Date <i>12-06-24</i>	



City of Appleton

Alcohol License Questionnaire

1. Applicant Name: Juan A. Santiago Hernandez

2. Business Name: La Bodega Nightclub LLC

3. Business Address: 531 W College Ave, Appleton WI 54911

4. Primary Business Activity:

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Other (describe) _____

5. Select the type of business premises: Existing Building New Construction

If existing building, please indicate the primary nature of the previous business that operated at this location. Night club, dance place, lounge

Anticipated date of opening? January 20th 2025

6. Will your business sell or serve food?

Yes If yes, please describe the type of food offerings available _____

No

7. Fill in the information about operational details listed below. Attaching a copy of the floor plan is encouraged.

Seating Capacity: Inside: 245
Outside: _____
Operating Days/Hours: Inside: Thursday - Sunday 8-2:30
Outside: _____
Employees/Staff (per shift/day) Number of Personnel: 5

Approximate floor building area of the premises to be licensed: 2800 sq. ft.
Approximate outdoor area of the premises to be licensed: 0 sq. ft.

Summarize the day-to-day operations of the business in the space below:
Lounge area & Drinks Available
Dance spot for community.
This will be available from Thursday - Sunday

Signature [Handwritten Signature]

Date 12-10-24

Form
CTV-100

**Cigarette, Tobacco, and Electronic Vaping
Device Retail License Application**

FOR CLERKS ONLY	
Municipality	Appleton
License Period	24-25

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietor) A-Z Tobacco Inc		
2. Business Trade Name or DBA A-Z Tobacco Inc		
3. FEIN	4. Wisconsin Seller's Permit Number 456-1028413827-02	
5. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input checked="" type="checkbox"/> Corporation		
6. State of Organization WI	7. Date of Organization 05/15/2014	8. Wisconsin DFI Registration Number
9. Premises Address (do not use PO Box) 201 West Northland Avenue Suit K		
10. City Appleton	11. State WI	12. Zip Code 54911
13. County Outagamie	14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: Appleton	15. Aldermanic District
16. Mailing Address (if different from premises address)		
17. City	18. State	19. Zip Code
20. Premises Phone	21. Premises Email	22. Website N/A
23. Premises Description - Describe the building or buildings where cigarettes, tobacco products, and electronic vaping devices are to be sold and stored. Describe all rooms including living quarters, if used, for the sales and/or storage of cigarettes, tobacco products, and electronic vaping devices and records. Cigarettes, tobacco products, and electronic vaping devices may be sold and stored ONLY on the premises described in this application. Attach a floor plan if possible. The product are stored on shelves and showcases in the back room. Sales are over the counter.		

Part B: Questions

1. What products will be sold at this business location? (check all that apply) <input checked="" type="checkbox"/> Cigarettes <input checked="" type="checkbox"/> Tobacco Products <input checked="" type="checkbox"/> Electronic Vaping Devices
2. How will cigarettes, tobacco, and/or electronic vaping devices be sold? (check all that apply) <input checked="" type="checkbox"/> Over the counter <input type="checkbox"/> Vending machine
3. Is the applicant business owned by another business entity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the name and FEIN of the parent company below, identify parent company members in Part C, and attach Form CTV-101 for all of the parent company's members, partners, or officers. 3a. Name of Parent Company: _____ 3b. FEIN of Parent Company: _____

Part C: Individual Information

An Individual Questionnaire, Form CTV-101, must be completed and attached to this application for each person involved in the applicant business and any parent company indicated in Part B. Such persons include: sole proprietor, all officers and agents of a corporation, all partners of a partnership, and all members and agents of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone
Sati	Khalidon	Owner	

Part D: Attestation

One of the following must sign and attest to this application:

- sole proprietor • one general partner of a partnership • one corporate officer • one managing member of an LLC

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

- I will only purchase cigarettes, tobacco, and vapor products from distributors, jobbers, or subjobbers permitted by the Wisconsin Department of Revenue, unless I also hold the proper distributor's permit and pay all applicable excise taxes.
- I will not purchase or exchange products from another retailer, including transferring existing stock to a new owner.
- I will provide tobacco sales training that has been approved by the Wisconsin Department of Health Services to my employees. (<https://witobaccocheck.org>).
- I will not sell single cigarettes.
- I will not sell, give, or otherwise provide cigarettes, tobacco, or any nicotine products to minors.
- I will keep product invoices on the licensed premises for two years and ensure the records are available for inspection by law enforcement. Failure to comply with this will result in criminal penalties, including loss of inventory.
- I will not sell cigarettes or roll-your-own (RYO) tobacco products unless listed on the Wisconsin Department of Justice's directory of certified tobacco manufacturers and brands.

Further, under penalty provided by law, I state that this application has been truthfully answered to the best of my knowledge. I agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Signature <i>Kh. Sati</i>	Date 01/07/2025	
Name (Last, First, M.I.) Sati Khalidon		
Title Owner	Email	Phone

Part E: For Clerk Use Only

Date application was filed with clerk 1/8/25	Date license issued	Date license expires	License number
License fees	Signature of Clerk/Deputy Clerk		

Form
CTV-102

Cigarette, Tobacco, and Electronic Vaping Device Appointment of Agent

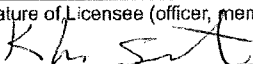
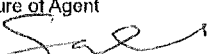
Date

Agent Type (check one): Original Change

Part A: Agent Information		
1. Last Name Alboushi Aldabbagh	2. First Name Safwan	3. M.I.
4. Email	5. Phone	
6. Home Address 574 Trudell Ct		
7. City Combined Locks	8. State WI	9. Zip Code 54113
10. Date of Birth	11. Drivers License/State ID Number	12. Drivers License/State ID State of Issuance

Part B: Questions
1. Have you completed Form CTV-101, <i>Cigarette, Tobacco, and Electronic Vaping Device License - Individual Questionnaire</i> ? Submit a completed Form CTV-101 with this form. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. If this is a change of agent, please describe the reason for the agent change. Attach additional sheets if necessary.

Part C: Business Information		
1. Legal Business Name (individual name if sole proprietor) A-Z Tobacco Inc		
2. Business Trade Name or DBA A-Z Tobacco Inc		
3. Entity Type (check one) <input type="checkbox"/> Limited Liability Company <input checked="" type="checkbox"/> Corporation		
4. Premises Address 201 West Northland Avenue Suit K		
5. City Appleton	6. State WI	7. Zip Code 54911

Part D: Attestations	
READ CAREFULLY BEFORE SIGNING: I, the Licensee, authorize the above-named individual to act for the above-named corporation or limited liability company with full authority and control of the premises and of all business relative to cigarettes, tobacco products, and/or electronic vaping devices conducted therein. I certify that I am authorized by the entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.	
Signature of Licensee (officer, member, or authorized signatory) 	Date 01-08-2025
Name of Person Signing for Licensee Khalidon Sati	Title Owner
READ CAREFULLY BEFORE SIGNING: I, the Agent, herby accept this appointment as agent for the above-named corporation or limited liability company and assume full responsibility for the conduct of all business relative to sales of cigarettes, tobacco products, and/or electronic vaping devices conducted on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this form, and that any person who knowingly provides materially false information on this form may be required to forfeit not more than \$1,000 if convicted.	
Signature of Agent 	Date 01/07/2025

Form
CTV-100

**Cigarette, Tobacco, and Electronic Vaping
Device Retail License Application**

FOR CLERKS ONLY	
Municipality	Appleton
License Period	24-25

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietor) Rehan Grocery LLC		
2. Business Trade Name or DBA Halal International Market		
3. FEIN	4. Wisconsin Seller's Permit Number	
5. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation		
6. State of Organization WI	7. Date of Organization 01/09/2025	8. Wisconsin DFI Registration Number
9. Premises Address (do not use PO Box) 2310 W College Ave Suite D		
10. City Appleton	11. State WI	12. Zip Code 54914
13. County Outagamie	14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: Appleton	15. Aldermanic District
16. Mailing Address (if different from premises address)		
17. City	18. State	19. Zip Code
20. Premises Phone 920 512 2761	21. Premises Email musemitabish2005@icloud.com	22. Website
23. Premises Description - Describe the building or buildings where cigarettes, tobacco products, and electronic vaping devices are to be sold and stored. Describe all rooms including living quarters, if used, for the sales and/or storage of cigarettes, tobacco products, and electronic vaping devices and records. Cigarettes, tobacco products, and electronic vaping devices may be sold and stored ONLY on the premises described in this application. Attach a floor plan if possible. approx. 1600 ft sold back to the counter		

Part B: Questions

1. What products will be sold at this business location? (check all that apply) <input type="checkbox"/> Cigarettes <input checked="" type="checkbox"/> Tobacco Products <input type="checkbox"/> Electronic Vaping Devices
2. How will cigarettes, tobacco, and/or electronic vaping devices be sold? (check all that apply) <input checked="" type="checkbox"/> Over the counter <input type="checkbox"/> Vending machine
3. Is the applicant business owned by another business entity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the name and FEIN of the parent company below, identify parent company members in Part C, and attach Form CTV-101 for all of the parent company's members, partners, or officers. 3a. Name of Parent Company: _____ 3b. FEIN of Parent Company: _____

Part C: Individual Information

An Individual Questionnaire, Form CTV-101, must be completed and attached to this application for each person involved in the applicant business and any parent company indicated in Part B. Such persons include: sole proprietor, all officers and agents of a corporation, all partners of a partnership, and all members and agents of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone
Abdullah Abdullah	Siyaar	owner	

Part D: Attestation

One of the following must sign and attest to this application:


- sole proprietor
- one general partner of a partnership
- one corporate officer
- one managing member of an LLC

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

- I will only purchase cigarettes, tobacco, and vapor products from distributors, jobbers, or subjobbers permitted by the Wisconsin Department of Revenue, unless I also hold the proper distributor's permit and pay all applicable excise taxes.
- I will not purchase or exchange products from another retailer, including transferring existing stock to a new owner.
- I will provide tobacco sales training that has been approved by the Wisconsin Department of Health Services to my employees. (<https://witobaccocheck.org>).
- I will not sell single cigarettes.
- I will not sell, give, or otherwise provide cigarettes, tobacco, or any nicotine products to minors.
- I will keep product invoices on the licensed premises for two years and ensure the records are available for inspection by law enforcement. Failure to comply with this will result in criminal penalties, including loss of inventory.
- I will not sell cigarettes or roll-your-own (RYO) tobacco products unless listed on the Wisconsin Department of Justice's directory of certified tobacco manufacturers and brands.

Further, under penalty provided by law, I state that this application has been truthfully answered to the best of my knowledge. I agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Signature 	Date 01/09/2025	
Name (Last, First, M.I.) Abdullah Siyaar		
Title owner	Email	Phone

Part E: For Clerk Use Only

Date application was filed with clerk 1/9/25	Date license issued	Date license expires	License number
License fees	Signature of Clerk/Deputy Clerk		

**Cigarette, Tobacco, and Electronic Vaping Device
Appointment of Agent**

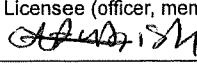
Date

Agent Type (check one): Original Change

Part A: Agent Information		
1. Last Name SH Abdullah	2. First Name Siyar	3. M.I. M
4. Email	5. Phone	
6. Home Address 520 E Winnabago St Apt 16		
7. City Appleton	8. State WI	9. Zip Code 54911
10. Date of Birth	11. Drivers License/State ID Number	12. Drivers License/State ID State of Issuance

Part B: Questions
1. Have you completed Form CTV-101, <i>Cigarette, Tobacco, and Electronic Vaping Device License - Individual Questionnaire</i> ? Submit a completed Form CTV-101 with this form. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. If this is a change of agent, please describe the reason for the agent change. Attach additional sheets if necessary.

Part C: Business Information		
1. Legal Business Name (individual name if sole proprietor) Rena Grocery LLC		
2. Business Trade Name or DBA Halal International market		
3. Entity Type (check one) <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation		
4. Premises Address 2310 W College Ave		
5. City Appleton	6. State WI	7. Zip Code 54914

Part D: Attestations	
<p>READ CAREFULLY BEFORE SIGNING: I, the Licensee, authorize the above-named individual to act for the above-named corporation or limited liability company with full authority and control of the premises and of all business relative to cigarettes, tobacco products, and/or electronic vaping devices conducted therein. I certify that I am authorized by the entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.</p>	
Signature of Licensee (officer, member, or authorized signatory) 	Date 01/09/2025
Name of Person Signing for Licensee Siyar Abdullah	Title owner
<p>READ CAREFULLY BEFORE SIGNING: I, the Agent, herby accept this appointment as agent for the above-named corporation or limited liability company and assume full responsibility for the conduct of all business relative to sales of cigarettes, tobacco products, and/or electronic vaping devices conducted on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this form, and that any person who knowingly provides materially false information on this form may be required to forfeit not more than \$1,000 if convicted.</p>	
Signature of Agent	Date

**Cigarette, Tobacco, and Electronic Vaping
Device Retail License Application**

FOR CLERKS ONLY	
Municipality	Appleton
License Period	24-25

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietor) Top Dogz Vape Shop LLC		
2. Business Trade Name or DBA Top Dogz Vape Shop		
3. FEIN	4. Wisconsin Seller's Permit Number	
5. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation		
6. State of Organization WISCONSIN	7. Date of Organization 2-29-2024	8. Wisconsin DFI Registration Number T107525
9. Premises Address (do not use PO Box) 208 E WISCONSIN AVE		
10. City Appleton	11. State WI	12. Zip Code 54911
13. County Outagamie	14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: Appleton	15. Aldermanic District
16. Mailing Address (if different from premises address)		
17. City	18. State	19. Zip Code
20. Premises Phone 920-740-5065	21. Premises Email jenny@topdogzvapeshop.com	22. Website www.topdogzvapeshop.com
23. Premises Description - Describe the building or buildings where cigarettes, tobacco products, and electronic vaping devices are to be sold and stored. Describe all rooms including living quarters, if used, for the sales and/or storage of cigarettes, tobacco products, and electronic vaping devices and records. Cigarettes, tobacco products, and electronic vaping devices may be sold and stored ONLY on the premises described in this application. Attach a floor plan if possible. Rectangle with 1750 square feet with small storage space included in square footage.		

Part B: Questions

1. What products will be sold at this business location? (check all that apply) <input type="checkbox"/> Cigarettes <input checked="" type="checkbox"/> Tobacco Products <input checked="" type="checkbox"/> Electronic Vaping Devices		
2. How will cigarettes, tobacco, and/or electronic vaping devices be sold? (check all that apply) <input checked="" type="checkbox"/> Over the counter <input type="checkbox"/> Vending machine		
3. Is the applicant business owned by another business entity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the name and FEIN of the parent company below, identify parent company members in Part C, and attach Form CTV-101 for all of the parent company's members, partners, or officers. 3a. Name of Parent Company: _____ 3b. FEIN of Parent Company: _____		

Part C: Individual Information

An Individual Questionnaire, Form CTV-101, must be completed and attached to this application for each person involved in the applicant business and any parent company indicated in Part B. Such persons include: sole proprietor, all officers and agents of a corporation, all partners of a partnership, and all members and agents of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone
Peters	Jennifer	Owner	
Williams	Jason	Owner	

Part D: Attestation

One of the following must sign and attest to this application:

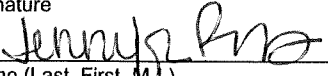
- sole proprietor
- one general partner of a partnership
- one corporate officer
- one managing member of an LLC

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

- I will only purchase cigarettes, tobacco, and vapor products from distributors, jobbers, or subjobbers permitted by the Wisconsin Department of Revenue, unless I also hold the proper distributor's permit and pay all applicable excise taxes.
- I will not purchase or exchange products from another retailer, including transferring existing stock to a new owner.
- I will provide tobacco sales training that has been approved by the Wisconsin Department of Health Services to my employees. (<https://witobaccocheck.org>).
- I will not sell single cigarettes.
- I will not sell, give, or otherwise provide cigarettes, tobacco, or any nicotine products to minors.
- I will keep product invoices on the licensed premises for two years and ensure the records are available for inspection by law enforcement. Failure to comply with this will result in criminal penalties, including loss of inventory.
- I will not sell cigarettes or roll-your-own (RYO) tobacco products unless listed on the Wisconsin Department of Justice's directory of certified tobacco manufacturers and brands.

Further, under penalty provided by law, I state that this application has been truthfully answered to the best of my knowledge. I agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Signature 	Date 1-15-2025
Name (Last, First, M.I.) Peters, Jennifer, L	
Title Owner	Email
Phone	

Part E: For Clerk Use Only

Date application was filed with clerk 1/15/25	Date license issued	Date license expires	License number
License fees	Signature of Clerk/Deputy Clerk		

Agent Type (check one): Original Change

Part A: Agent Information		
1. Last Name Peters	2. First Name Jennifer	3. M.I. L
4. Email		5. Phone
6. Home Address 220 Frances St		
7. City Kaukauna	8. State WI	9. Zip Code 54130
10. Date of Birth	11. Drivers License/State ID Number	12. Drivers License/State ID State of Issuance

Part B: Questions
1. Have you completed Form CTV-101, <i>Cigarette, Tobacco, and Electronic Vaping Device License - Individual Questionnaire</i> ? Submit a completed Form CTV-101 with this form. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. If this is a change of agent, please describe the reason for the agent change. Attach additional sheets if necessary.

Part C: Business Information		
1. Legal Business Name (individual name if sole proprietor) Top Dogz Vape Shop LLC		
2. Business Trade Name or DBA Top Dogz Vape Shop		
3. Entity Type (check one) <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation		
4. Premises Address 208 E Wisconsin Ave		
5. City Appleton	6. State WI	7. Zip Code 54911

Part D: Attestations	
<p>READ CAREFULLY BEFORE SIGNING: I, the Licensee, authorize the above-named individual to act for the above-named corporation or limited liability company with full authority and control of the premises and of all business relative to cigarettes, tobacco products, and/or electronic vaping devices conducted therein. I certify that I am authorized by the entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.</p>	
Signature of Licensee (officer, member, or authorized signatory) 	Date 1-15-2025
Name of Person Signing for Licensee Jennifer Peters	Title Owner
<p>READ CAREFULLY BEFORE SIGNING: I, the Agent, herby accept this appointment as agent for the above-named corporation or limited liability company and assume full responsibility for the conduct of all business relative to sales of cigarettes, tobacco products, and/or electronic vaping devices conducted on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this form, and that any person who knowingly provides materially false information on this form may be required to forfeit not more than \$1,000 if convicted.</p>	
Signature of Agent 	Date 1-15-2025

