

Item 25-0113: Demerit Point Violation Appearance - Badger Mobil

Item 25-0111: Mechanical Amusement Device License for Pizzeria Pub & Bar, Satbir Singh, Agent - appeal of application denial

Item 25-0110: Class "B" Beer and Reserve "Class B" Liquor License application for SK Pizzeria Pub LLC d/b/a Pizzeria Pub and Bar, Satbir Singh, Agent

Safety and Licensing Committee

Wed, Feb 26, 2025 5:30PM

Aldersonperson Chris Croatt (District 14) 03:19

Okay, moving on to 25-0113, which is a demerit point violation appearance for Badger Mobil. This one is similar, but a little bit different, in that they have an 80-point assessment, which is 40 points—oh, I'm sorry, and 120 total. It's 40 for the no licensed operator on premise, and 80 points for dispensing alcohol to a minor. So, if you'd like to speak to this, name and address for the record. Please use the microphone at the podium and then just explain, maybe talk about a little bit what happened and what you've done to correct it from happening again.

[The microphone was not working well and Mr. Singh had a strong accent so it was a little difficult to follow.]

Satbir Singh (Badger Mobil) 03:58

[It sounded like he gave his name and address] So that day, the next day I go, that's why, like the other guy, he worked in Menasha, he not working here. Like my employee, want, like, he need something for his mom. That's why I take him. That's why other guy has **[no?]** license. That's why like 40 points for that server. And the next time we are without license, **[unclear]**. That day we tell him to not sell liquor, beer, or any tobacco product, and that, that is just a new **[unclear]**. And he thought that said **[unclear]**, and by mistake. That's why, like it not in scan it through, and he put in the grocery that thing, and he—he did the wrong thing. And next time, **[unclear]**, like I ordered for a gas station scanner like scan ID and for **[unclear]** when we open up then we have another scanner, like we can scan ID when we serve any liquor and any beer.

Aldersonperson Chris Croatt (District 14) 05:23

Okay, thank you. Thank you for the explanation. Any questions from committee members. Sounds like measures have been taken in both regards. All right. No questions? All right. Thank you. Thanks for coming.

Aldersonperson Chris Croatt (District 14) 05:34

All right. Moving on to our action items. First one is 25-0111, mechanical amusement device license for Pizzeria, Pub and Bar Satbir Singh agent located at 1200 North Sharon Street, appeal application of denial. Okay, is there a motion? Or anything from the Attorney's Office? Attorney Buruin, what microphone do you have? Director three. Oh, I'm sorry. Director three, not district three. Okay, yeah, maybe, just, maybe, if you could just summarize, and then we'll, we'll get something on the table here.

Zak Buruin (Assistant City Attorney) 06:15

I can summarize briefly. And most of this comes from the factual investigation from Lieutenant Goodin which is contained in the memorandum that's part of the meeting packet. But essentially, the police department is recommending denial of the amusement device application because a number of the devices in question—four of the five devices, I believe in total—are gambling machines, which are unlawful both by state statute and local code, and that is the basis for the recommended denial. I can provide additional analysis, but ultimately, what it boils down to, to piggy back onto Lieutenant Goodin's memorandum, is, regardless of what decision the

committee makes, these devices are illegal and unlawful, and they are not—an amusement device license is not going to legalize them for operation in the City of Appleton.

Aldersperson Chris Croatt (District 14) 07:15

Okay, thank you. I think that's a sufficient explanation. Just some clarification on a motion, so would the options for the committee to be make a motion to approve the license or deny the license? Or does it need to be based on the application appeal of application of denial?

Zak Buruin (Assistant City Attorney) 07:32

I think so long as the motion is worded to—

Aldersperson Chris Croatt (District 14) 07:35

Clearly.

Zak Buruin (Assistant City Attorney) 07:35

—to be clear in its intent, it is fine, either way.

Aldersperson Chris Croatt (District 14) 07:39

Okay, thank you. Okay, let's get a motion to get it on the table.

Aldersperson Denise Fenton (District 6) 07:41

So, move to deny the appeal.

Aldersperson William Siebers (District 1) 07:45

Second.

Aldersperson Chris Croatt (District 14) 07:45

Okay, all right, motion to de—motion and a second to deny the appeal. Are there any questions or comments? Alder Hartzheim. District 13? Okay.

Aldersperson Sheri Hartzheim (District 13) 07:58

Thank you, Chair. I just have a question. If this application were submitted, would it need to have been submitted for just a dart board, or is it—has it been submitted because the hope was to have other the other items approved?

Aldersperson Chris Croatt (District 14) 08:12

That's a good question.

Zak Buruin (Assistant City Attorney) 08:16

I can address that. Dart board, as I understand it, is a mechanical amusement device, would be subject to licensing for these purposes. So, a license would be required even for just the dart board, and that's the only licensable device I see on that application.

Aldersperson Sheri Hartzheim (District 13) 08:29

Thank you. Can I follow up, please?

Aldersperson Chris Croatt (District 14) 08:30

Yes, go ahead.

Alderson Sheri Hartzheim (District 13) 08:32

I'm wondering if it would be possible for this committee to allow the appeal only for that item and not the others.

Alderson Chris Croatt (District 14) 08:40

I'm not sure it's amendable. Is—because there's an application with everything listed. I—correct me if I'm wrong, but I feel like they would be able to reapply for the dart board. The clerk shaking her head.

Zak Buruin (Assistant City Attorney) 08:53

I see no reason they couldn't reapply. As to whether it could be amended or handled in that way at this hearing, I will confess I would need to look into that.

Alderson Chris Croatt (District 14) 09:01

Yeah, okay. I guess I'm not completely comfortable with amending it. I would prefer to just take a vote on it as it's in front of us. Alder Fenton, go ahead.

Alderson Denise Fenton (District 6) 09:09

Thank you, Chair. And this would be a question for either Clerk Lynch or the attorney. If the denial forfeits the fee—am I correct in that statement?—and they would have to pay another fee to reapply for the one legal machine?

Clerk Kami Lynch 09:30

All of our license fees are non-refundable, so the fee would have to be paid again if they reapplied.

Alderson Denise Fenton (District 6) 09:40

Okay, thank you.

Alderson Chris Croatt (District 14) 09:41

But just for clarity, they—does that mean that they paid \$125 for the five listed, and they'd have to pay \$25 to come for with one on it?

Clerk Kami Lynch 09:52

Correct.

Alderson Chris Croatt (District 14) 09:52

Okay, okay, so it's an additional \$25 essentially. Okay. All right. Anything else? We have a motion and welcome, Alder Schultz.

Alderson Denise Fenton (District 6) 10:04

Do we have anybody here?

Alderson Chris Croatt (District 14) 10:06

Is there anyone here for this item? No? Okay. All right.

Zak Buruin (Assistant City Attorney) 10:17

For clarification, there's an individual—the individual for the last demerit point situation—

Alderson Chris Croatt (District 14) 10:22
Oh.

Zak Buruin (Assistant City Attorney) 10:23
—is the same individual as is applying for this amusement device license, and is also the same individual applying for the class B license that we'll be taking up in a few moments.

Alderson Chris Croatt (District 14) 10:31
Okay, thank you for that. Because I was just, I was locked into the business, the business of the first one, and obviously this is a different business on the application, so and a different address, right? So.

Zak Buruin (Assistant City Attorney) 10:43
I believe so.

Alderson Chris Croatt (District 14) 10:43
Yeah,

Clerk Kami Lynch 10:44
Clarification on that if I may. The—so these businesses are adjacent. One is a gas station convenience store. That's where the demerit point violation occurred. The amusement device application is for the adjacent business which is a proposed restaurant on the back side of that convenience store gas station, and that's for the next item on the agenda. The alcohol license is for that.

Alderson Chris Croatt (District 14) 11:14
Okay, all right, good. I'm glad we clarified that. Do you want to speak on the item that we're taking up right now which is your mechanical amusement device license for the pizzeria? Does anyone want to speak to that? You don't have to. It's up to you. It's up to you. And if you want to approach the microphone and name and address and then ask your questions, and we can try to get them answered.

Jason Lachance 11:39
Sorry, I'm a little under the weather. My name is Jason Lachance. I'm from [XXXXX] De Pere, Wisconsin.

Alderson Chris Croatt (District 14) 11:48
Okay. Thanks, Jason.

Jason Lachance 11:50
So, I just—just a question as an amusement device operator in the city of Appleton. These games are already in other bars which the City of Appleton has already approved those licenses. As [...] for the devices itself. Now I understand that you don't want to approve this one, because gambling, okay, understand that. So, when it comes up to renewal of some of the other ones that are coming for renewal and those games are in there, what does somebody like me do? Does it become illegal now, or is it legal? Or what is it? Because you're reapprove it, knowing that those games are there. Because I think everybody here has been to a bar or a restaurant, whatever that has them in there in the city. I know I have. So, at that point, do you turn a blind eye to that account and turn down this, this one? I'm just asking this 'cause I don't know. I don't know what I don't know.

Alderman Chris Croatt (District 14) 12:55

Yeah, it's a good question. And Attorney, I'll let you comment. But really, what—all we can consider today is what's in front of us, and that's your application for amusement devices. I understand what you're saying. Attorney Buruin, you want to...?

Zak Buruin (Assistant City Attorney) 13:10

Briefly, what I can say is those go to questions of enforcement, which are not necessarily something that we would address here and now at this committee meeting. What I can say is that based on the analysis and everything I write in the statutes, everything contained within Appleton city code, reference to the Department of Revenue, legislative reference bureau, these devices are illegal in the State of Wisconsin and in the city of Appleton. Your questions go to enforcement, which is a separate issue.

Jason Lachance 13:36

But it would be the permit process if I read when you re—re-up every year, right? Amusement devices go in front of you every year. Knowing that those games are in there from your what you just said doesn't make sense to me. I apologize. Again, I'm maybe not educated about them.

Alderman Chris Croatt (District 14) 13:55

I think what I would add is, when those come before this committee, we would take the same factual information into account when we look at renewals or new applications, but, again, what's before us today is just yours. So, I don't want to get too far off of that into what if or somebody else. Really, we have to focus on what's in front of us today.

Jason Lachance 14:19

So, I can speak truth. The truths are there's not going to be a [unclear] game that would be different from any other location in the City of Appleton that's already been approved—that you guys have already approved once before and are going to continue to do it beyond today. So, it's up to you what you want to do.

Alderman Chris Croatt (District 14) 14:41

Okay. Alder Fenton.

Alderman Denise Fenton (District 6) 14:43

Thank you, Chair. And if I may, direct to the attorney and the city clerk? It is my understanding and correct me if I'm wrong, that an amusement license for one of these machines—the process would be exactly like what we've gone through now. The Clerk's Office and the Attorney's Office would analyze the request, determine whether something was a legal amusement device which would be approved, or an illegal gambling machine which would be denied? Would that be the process?

Zak Buruin (Assistant City Attorney) 15:30

Renewal would be the same process as what we're dealing with here. My understanding is that it's been a relatively recent change where the application has been altered to include requesting enough information to frankly figure out what in the world individual machines are. So, factually, I'm well aware that there are devices operating in the city of Appleton that are illegal, but they are illegal, and nothing we can do in the licensing process changes that.

Alderman Denise Fenton (District 6) 15:59

Thank you.

Aldersperson Chris Croatt (District 14) 16:01

Again, we would take that all into account when it came before us again. So I can't—I mean, you said, you know how we're going to vote in the future. I would disagree with that, because we don't know. We have to base it on what's in front of us. Okay, anything else you want to add? I'm gonna bring it back to—okay, thanks. Thanks for your comments. All right. Anything else from committee members? Alder Doran, go ahead.

Aldersperson Chad Doran (District 15) 16:21

Thank you. Alder Hartzheim had asked the question, I guess, that I had a little bit earlier when we started the discussion, which was about the dart board. But I appreciate the clarification from staff. I think the right step for us to do at this point is to deny the application, and if the business owner wants to reapply for the dart board only and bring that forward, then that would be another step. I think the application and the fees, the staff still had to go through the work to do the determination here. So, I don't see an issue with that. I think the right thing here for us is just to make the denial and let the business owner reapply if he chooses to do so.

Aldersperson Chris Croatt (District 14) 16:59

Okay. Thanks. Anything else? All right. All right, we have a motion and a second to deny the license. All those in favor signify by saying, aye.

Alderspersons Siebers, Schultz, Fenton, and Doran 17:09

Aye.

Aldersperson Chris Croatt (District 14) 17:10

All opposed? All right, five zero. That will go before the full city council. So, if you would like to address the city council, it would be a week from today, at seven o'clock. There will be a sign-up sheet in the back of the room. So, it's a little bit different than a committee meeting. It's a little more formal than this, where you have one opportunity to speak, and it's during public participation. It's not it's not when your item comes up for vote. It's in the beginning of the agenda. So, I always tell people come about 15 minutes early, sign up, and then you'll get to speak when the mayor goes to public participation.

Aldersperson Chris Croatt (District 14) 17:44

So, okay, moving on to 25-0110, class B beer and reserve Class B liquor license application for SK Pizzeria Pub LLC, doing business as Pizzeria Pub and Bar Satbir Singh agent located at 1200 North Sharon Street, contingent on upon approval from the inspections department.

Aldersperson Alex Schultz (District 9) 18:03

Motion to approve.

Aldersperson William Siebers (District 1) 18:04

Second.

Aldersperson Chris Croatt (District 14) 18:04

Okay. Motion and a second to approve this liquor license and beer license. Comments from staff, anything? No?

Zak Buruin (Assistant City Attorney) 18:14

Not unless there are questions.

Aldersperson Chris Croatt (District 14) 18:16

Okay, any questions from committee members? Comments? Alder Doran, go ahead.

Alderson Chad Doran (District 15) 18:19

Thank you. I guess I'm looking for, perhaps clarification from our attorney as to whether or not this is relevant or able for us to be considered, but just given the issue with the applicant, with the gas station violation that we just discussed, and also with the application that included illegal devices, are those things we can consider, I guess, in terms of determining the liquor license here as well?

Zak Buruin (Assistant City Attorney) 18:52

In short, yes. The committee can consider any information that it believes and that is rationally relevant. There is a wide amount of latitude to the committee and the Council have to consider anything that would rationally bear upon the committee and the Council's duty to act on behalf of the city. So, there's extremely wide latitude, and the key is that it's relevant and rational based upon the information provided. What you do with the information, how you weigh it, is entirely up to you, but is appropriate to consider, absolutely.

Alderson Chad Doran (District 15) 19:26

Okay. Thank you. And with that, I guess, it gives me pause in terms of just the information we have here, especially considering the issues with the gas station and selling to underage minors as a real concern. Together, these things just give me more concern, I guess, that there's either a lack of understanding of the laws or a lack of concern for what the laws are. And that makes me a little apprehensive about issuing a liquor license here. So, I guess I'm interested to hear how my colleagues feel about it as well.

Alderson Chris Croatt (District 14) 20:07

Okay, thank you for the question. I'm glad we got some clarification as to whether or not we can consider it. I would add—and correct me if I'm wrong, Attorney Buruin—the—since they are two separate establishments with two separate licenses, all the assessments are completely separate. So, there's no—there's—the assessment on a different property does not in any way apply to this property.

Zak Buruin (Assistant City Attorney) 20:34

Not in any formal, direct way. My understanding is it's been required that facilities be separated, and perhaps Clerk Lynch can speak to that a little bit more. But in terms of it being the same Operator Owner, that is something that would potent—could arguably bear. Whether or not it bears, is not my decision. It's your decision. But that is that is something that could reasonably be considered.

Alderson Chris Croatt (District 14) 20:56

Okay. Thank you. Clerk Lynn, did you want to add anything about separation of properties or anything?

Clerk Kami Lynch 21:02

Yeah. So, in order for—so the current gas station convenience store holds a Class A license. So, in order for the applicant to be able to add this, you know, bar restaurant on to the building, they had to be completely separate spaces, because you can't have—there's different rules for Class A and Class B establishments. So, they would function as two completely separate licenses. Demerit points for the class A would stay with the class A side, and any issues or occurrences for the class B side would stay over there.

Alderson Chris Croatt (District 14) 21:39

Okay, all right. Alder Fenton, go ahead.

Alderson Denise Fenton (District 6) 21:42

Thank you, Chair. Given our latitude here, I—my feeling is that the applicant actually filled out the application for the other item. In other words, intended to follow the law, perhaps not being aware of the classification of some of these machines. And then the very fact that that he appeared here to address the demerit points on the other business, when, as we know, we've had a rash of people who've said, "Well, no thanks," when we've invited them to appear and talk about. He—we were—we seem satisfied with the measures he had taken to prevent the infractions from occurring. So since it's the same owner operator, assuming that is also aware that these things would have to be taken care of in the other business, so I'm willing to grant this license.

Alderson Chris Croatt (District 14) 22:45

Okay, thank you. And I tend to agree with you, and I was satisfied with the explanation of the violations in the previous item. Any other—Alder Schultz? Oh, I'm sorry. Which one do you have? 11? There you go. Sorry.

Alderson Alex Schultz (District 9) 23:01

Thank you, Chair. Obviously I missed the first round. So just, I guess, a question that may have been raised or information that was shared, how many demerit points has BP obtaining in this last—?

Alderson Chris Croatt (District 14) 23:13

Yeah, so the Badger Mobil had two violations totaling 120. It was a no licensed operator on premise, and it was a dispense to minor, which for 40 and 80.

Alderson Alex Schultz (District 9) 23:24

On the same instance, correct?

Alderson Chris Croatt (District 14) 23:26

I believe it was the same instance. Was it, Attorney Buruin?

Zak Buruin (Assistant City Attorney) 23:29

That I do not know off hand.

Alderson Chris Croatt (District 14) 23:30

Okay.

Zak Buruin (Assistant City Attorney) 23:30

I will say that this is another one of those unusual kind of in between situations, where we can count all of those points for appearances today, but we cannot—let me double check. The dispensing the alcohol to a minor, that one we cannot use for considerations of alcohol license status unless there's another one of those same violations within 12 months. So—

Alderson Chris Croatt (District 14) 23:56

Okay.

Zak Buruin (Assistant City Attorney) 23:57

There's 80 points for some purposes, not for others.

Alderson Chris Croatt (District 14) 23:59

Yeah, good clarification.

Alderson Alex Schultz (District 9) 24:00

And can I have a follow up then?

Alderson Chris Croatt (District 14) 24:01

Yeah, go ahead.

Alderson Alex Schultz (District 9) 24:02

I mean, I only asked these questions because we've—it's been—you know, we've given direction that we can take some latitude and consider these other violations with the Mobil gas station as it relates to this request. Is there a history with this gas station having violations? Or do we have any sense of what that looks like? I know this would be basically a question the staff might not be able to answer, but...

Alderson Chris Croatt (District 14) 24:24

I want to be a little careful here, because we already took up that appearance.

Alderson Alex Schultz (District 9) 24:28

Chair, and I—

Alderson Chris Croatt (District 14) 24:28

This is more on the license of a different establishment. Are we—

Zak Buruin (Assistant City Attorney) 24:32

Correct, but—

Alderson Chris Croatt (District 14) 24:33

Give us some direction on latitude here.

Zak Buruin (Assistant City Attorney) 24:35

So again, separate establishments, but if we're dealing with the same operator licensee, I think it's something I would argue that the committee can rationally consider in terms of how it would affect the committee and the Council's duty to act on behalf of the citizens of Appleton. To answer the question directly, though I do not know.

Alderson Chris Croatt (District 14) 24:55

Okay, okay.

Alderson Alex Schultz (District 9) 24:57

I mean—

Alderson Chris Croatt (District 14) 24:58

Go ahead.

Alderson Alex Schultz (District 9) 24:59

I think just to my colleagues and considering how we vote on this we—you know, we have the system in place for demerits and they're assigned when institutions and businesses fail and have infractions. I'm comfortable approving—voting to approve this license. I didn't have a conversation with the owners stating as much. I was unaware of the other violations, but it doesn't influence my decision, at least on this part. There is some separation. I think that systems in place if they violate and they'll get demerit points accordingly if they don't

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follow the rules of operation. I do also agree with my colleague that they're here tonight. They're also trying to follow the law and put an application for amusement devices and maybe were unaware. So, I encourage us to vote in favor of this one, at least. Thank you.

Aldersperson Chris Croatt (District 14) 25:48

Okay, thank you. Any other comments? Questions? Anything from APD? Okay. Seeing no hands. Alder Hartzheim, nothing? Okay. All right. Okay. We have a motion and a second to approve, correct, Clerk Lynch? Okay, all right, all those in favor of the approval signify by saying, aye.

Alderspersons Siebers, Schultz, and Fenton 26:10

Aye.

Aldersperson Chris Croatt (District 14) 26:11

All opposed?

Aldersperson Chad Doran (District 15) 26:12

Nay.

Aldersperson Chris Croatt (District 14) 26:12

Okay, four one. Okay, that will also go to the city council on a recommendation to approve on a four one vote. You can all—same thing. You can sign up at a time and speak on both these items, or all the items if you'd like, or one. It's up to you. Seven o'clock next Wednesday night. Okay, thanks for coming. We appreciate it.