

Item 25-0262: Class "A" Beer and "Class A" Liquor License application for Nusara Yang d/b/a Jai Sung Mah Pool Club, located at 122 W. Wisconsin Ave

Safety and Licensing Committee

Wed, Apr 09, 2025 5:30PM

Aldersperson Chris Croatt (District 14) 11:26

Okay. so, let's move on to 25-0262 which is a Class A beer and class a liquor license application for Nusara Yang doing business as Jai Sung Mah pool hall, or Pool Club, located at 122 West Wisconsin Avenue, contingent on approval from the Community Development, inspections, and Public Works departments.

Aldersperson William Siebers (District 1) 11:43

Move for denial.

Aldersperson Denise Fenton (District 6) 11:44

Second.

Aldersperson Chris Croatt (District 14) 11:45

Motion and a second to deny. Okay. Alder Siebers?

Aldersperson William Siebers (District 1) 11:49

Well, thank you, Chair. This is in my district. I'm trying to think. I think it was in 2017 we had some serious problems with the establishment at that time. It abuts next to a residential—loud music, same situation as we had with the establishment on West College. I met with the owner and tried to see if we couldn't find some resolution, and we weren't able to find any resolution. And I believe the establishment lost their license as a result of criminal activity. And then thereafter—sometime thereafter, there was this idea in terms of doing a restaurant. I believe it was pool hall also, but I could be mistaken, but I know it was a restaurant, and, again, I met with somebody there, and we talked about it, and I said, "Well, you're not going to be a bar, are you?" "No, no." I said, "Okay."

Aldersperson William Siebers (District 1) 13:07

So, I hadn't heard anything after that, and so now we have this, and my feeling is if the person's serious about this establishment having a license, rather than this aldersperson approaching them, don't you think it would be in their best interest, or they would think it would be in their best interest, to approach their aldersperson who they have had a relationship with or experience with in the past? I have not heard anything from them. So, I just can't vote for this.

Aldersperson Chris Croatt (District 14) 13:52

Okay. Before we go any further, I do want to give Attorney Buruin a chance to say a few things regarding this. I know we do have the motion on the table. Attorney, there were some things you wanted to add, correct?

Zak Buruin (Assistant City Attorney) 14:05

Correct. Gonna beg the committee's indulgence momentarily here. I want to make sure, because this is an unusual circumstance as Alder Siebers already alluded to. My understanding is that there were revocation proceedings previously in play, but they ultimately surrendered the license before it was revoked. That was before my time, though, so I welcome corrections if I'm wrong on that.

Zak Buruin (Assistant City Attorney) 14:32

There was some allusion to, or invocation of the idea of there being criminal activity at this particular location. I want to provide a little bit of information on that factual background. And I'll start by saying it appears that ultimately there is no statutory bar preventing this license from being granted. From what I can tell, this individual would be able to provide sufficient evidence of rehabilitation to be eligible for the license, but that just satisfies the eligibility criteria, and the committee still has the discretion, and council still has the discretion to decide whether this is in the best interest of Appleton based on appropriate considerations. So even though the condition—or the convictions involved can't be considered, the facts underlying them, the underlying facts, the background, the history, can be considered. So even though this person has completed probation, apparently successfully, the facts as they pertain to public health, safety, and welfare of the community, are still in play. And I would urge any additional thoughts from the council or committee with respect to how these considerations are impacted by the facts as they stand.

Zak Buruin (Assistant City Attorney) 15:55

It wasn't a pool hall/restaurant/bar primarily as it purported to be. Documents were uncovered through the searches that were consistent with an illicit gambling operation, suggesting that the gambling operation dated back as far as 2008. This would have been discovered in 2014. So, it would include the entire time that business was open going back to 2012. Financial documents indicated a Gordian Knot of bank accounts involving the applicant, the business, her spouse, her children, and some of those accounts appear to have been used potentially for laundering illegal gambling money. And I want to make it explicitly clear there were no money laundering charges in Wisconsin, no convictions associated with that, but that's what the officers believe the evidence suggested based on what they uncovered.

Zak Buruin (Assistant City Attorney) 15:55

I do want to share some facts as I was able to ascertain them from the both the Appleton Police Department investigation and the investigation from the St Paul, Minnesota Police Department where some of this actually originated. What I can share is that ultimately there were searches of this applicant's home and the business in question that were conducted and through the course of that, strong indicators were uncovered that the business—the primary business conducted at this place was illicit in nature, and I think it's well known that this was a gambling situation. I believe there were criminal charges for that in Minnesota. No convictions for that in Wisconsin, but there were some charges dismissed and read in.

Zak Buruin (Assistant City Attorney) 17:33

Some of that information did give rise to criminal charges, as I indicated. Ledgers showing food stamps were used to buy foods—food for the business. One of the cards used for that was actually assigned to one of the children involved. There were also false income statements that were submitted in furtherance of applications for state benefits. Again, those specific allegations did give rise to criminal convictions. I'd also point out just a general abundance of false information and shifting statements made to the police in both Saint Paul and in Appleton.

Zak Buruin (Assistant City Attorney) 18:03

So, I think all of this information the committee and Council could find that not only is this all substantially related and frankly more so—more than substantial related to the license applied for. It was this exact premises utilized by this exact owner, at least partially as a front to cover for significant criminal enterprise taking place in Appleton and in Saint Paul, Minnesota. But also note that as far as any factual representations that are made by the applicant or anybody else for that matter, including myself, credibility is determined largely by the committee and the council. So, you get to decide, based on the evidence, what you find to be credible, obviously within reason. And based on this, if the committee were to find—this is a—I don't know if this crystallizes what

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Alder Siebers was indicating, but the committee could find, for example, that the applicant's history of being a non-law-abiding business owner with insufficient regard for the peace, quiet, health, safety, and welfare of the community, as exemplified by the behavior that I've just recounted and the information in the prior record during the potential prior proceedings leads to the conclusion that granting a new, albeit different retail license (this is an A versus a B), would be unreasonable risk to the peace, quiet, health, safety, and welfare of the community. So, the committee could find that, and I think that—I think that that seems to be what Alder Siebers is getting at, but I don't want to put words in his mouth. But that seems to touch on the concerns that, or at least some of the concerns he was bringing, and some of the concerns that I think I heard the last time we were here. So, I will step back now.

Aldersonperson Chris Croatt (District 14) 19:53

Okay, thank you very much for that useful, helpful information. Alder Siebers, do you want to make any additional comments based on what you just heard? Maybe some clarifying comments as it relates to your motion.

Aldersonperson William Siebers (District 1) 20:05

I might need some help. You said it so well.

Zak Buruin (Assistant City Attorney) 20:10

I had time to formulate it. So. What I suggested is that the committee could find that the applicant's history as a non-law-abiding business owner with insufficient regard for the peace, quiet, health, safety, and welfare of the community, as exemplified by that behavior previously discussed, leads to the conclusion that granting a new retail alcohol license would be an unreasonable risk to the peace, quiet, health, and safety, and welfare of the community.

Aldersonperson William Siebers (District 1) 20:39

That sounds really great.

Aldersonperson Chris Croatt (District 14) 20:42

I know exactly what you what you mean. Okay, any additional comments? Questions? We do have a motion and a second to deny this license application. And I believe, based on—I believe there's committee consensus based on the information that you just shared and the position about the safety, welfare of the community taken into account. Any final comments? Not seeing any.

Aldersonperson Chris Croatt (District 14) 21:09

Okay, we'll take a vote. All those in favor of the license application denial signify by saying aye. All opposed? Any abstentions? Four zero. Also, a recommendation to deny, sending it to council.