

Item 25-0258: Class "B" Beer and "Class B" Liquor License Change of Agent for Tandem Wine and Beer LLC d/b/a Tandem Wine and Beer

Safety and Licensing Committee

Wed, Apr 09, 2025 5:30PM

Aldersperson Chris Croatt (District 14) 00:52

No scheduled public hearings or appearances. We'll move right into our action items and take them in order. Since there's no one here, we'll go with 25-0258, which is a Class B beer and Class B liquor license change of agent for Tandem Wine and Beer LLC, doing business as Tandem Wine and Beer, new agent, Karter Thompson, located at 101 West Edison Avenue, Suite 100.

Aldersperson Denise Fenton (District 6) 01:17

Move to approve to get it on the floor.

Aldersperson Chris Croatt (District 14) 01:18

Okay. Motion to approve the change of agent. Is there a second?

Aldersperson William Siebers (District 1) 01:23

Second.

Aldersperson Chris Croatt (District 14) 01:23

Okay. Motion and a second to approve. They're not here. I have a question for the City Attorney, and maybe also a question for the police department. Has anything changed in regards to anything on this application since the last meeting, as regard—as it regards to position or anything? Okay. District Four should be on.

Zak Buruin (Assistant City Attorney) 01:56

In terms of—I assume the chair is referring to the owner slash current agent's incarceration status?

Aldersperson Chris Croatt (District 14) 02:02

Yes, I am. Thank you for clarifying that. That is one of the things that I wanted to get some clarification on as to what this committee could consider.

Zak Buruin (Assistant City Attorney) 02:12

So, I'm not aware of, and I didn't think to check, of the incarceration status. I don't think for this particular item that is of concern. I think it would become relevant with respect to the renewal when that comes up with that individual still being the owner. The agent—the question is whether or not the new agent meets the criteria, and I don't believe there's been any information brought forth that says this person does not. My only concerns with respect to this are regarding the application, particularly parts D and E, the business attestation and the agent attestation, which is the same person, essentially. So, it is the new owner assigning—or the new agent attesting that the new agent can be the new agent, which I think is a problem with the application.

Aldersperson Chris Croatt (District 14) 03:01

Yeah, thank you. Thank you for bringing that up because I had had that question myself. But I also had a question about Part A Question 6, the response that was given. I was expecting something a little more than just, "I'm present at the establishment during operating hours." I don't know what's typical for the response there, or what is the level of expectation for the type of response when someone's asking for a transfer.

Zak Buruin (Assistant City Attorney) 03:33

I noted that as well. I don't think it's particularly responsive to the inquiry. I don't think it answers the question, and I think that is something that the committee is perfectly within its right to consider. If the committee is going to consider that, and the situation that I brought up with parts D and E, it may be advisable to allow them the opportunity to correct or amend the application. I don't know if the clerk's office has a procedure or availability to do that, considering it does appear to be at least with respect to D, an oversight.

Aldersonperson Chris Croatt (District 14) 04:08

Okay, so as it relates to the application, they paid \$10? Is that? And if this was to be denied, could they bring forward a new application? Or is there some sort of a waiting period?

Zak Buruin (Assistant City Attorney) 04:23

My understanding is it is a \$10 fee. I don't—I'm not aware of any waiting fee for there to be a new application.

Aldersonperson Chris Croatt (District 14) 04:28

Okay.

Zak Buruin (Assistant City Attorney) 04:28

So, if the committee were to deny it, that would be a reasonable course of action as well.

Aldersonperson Chris Croatt (District 14) 04:37

Okay. Anything from the clerk's office? Okay, go ahead.

Clerk Kami Lynch 04:45

Just regarding the agent appointing themselves the new agent. We do have that that is a member of the business, the new agent. And so that does sometimes happen, especially if it's like a sole proprietor or an LLC with just one individual, they do have to appoint themselves as the agent. So, I guess that wouldn't—I'm not concerned about that, the fact that they appointed themselves the agent, because they are a member of the LLC. We've seen that before.

Aldersonperson Chris Croatt (District 14) 05:19

Okay. So, Attorney Buruin, are we—I'm going to ask this because several of us were contacted about the record of the establishment owner and the current agent. Are we able to consider that? I know you talked earlier about the incarceration status.

Clerk Kami Lynch 05:49

I'm sorry. I just want to back up a little bit. I have—sorry, I have the—their renewal. Yes, this is their renewal paperwork in front of me. So, it looks like—so never mind it looks like they are adding this individual to the LLC because there is a new questionnaire filled out with the renewal paperwork. I don't have their former paperwork in front of me to see if this person was or was not on that before as a as a member of the LLC.

Aldersonperson Chris Croatt (District 14) 06:22

But just to clarify, Attorney Buruin, they're listing themselves as the agent, but they're not yet the agent. Is that one of your areas of concern?

Zak Buruin (Assistant City Attorney) 06:31

So, my area of concern is that Part D is the business attesting to the appointment of the agent, and then the part E is the agent basically accepting that. The agent doesn't have the ability to do that until they are an agent or member of the LLC, so it's kind of a circular—circular certification in this particular case. It does happen on the new applications. I'm aware of that because you typically have the owner who's starting out new application. They are the business. They're appointing themselves.

Aldersonperson Chris Croatt (District 14) 07:09

Yeah. This is different.

Zak Buruin (Assistant City Attorney) 07:10

Right. This is this is different under these circumstances, given that we're adding somebody and changing the owner or changing the agent. So that remains a concern for me.

Zak Buruin (Assistant City Attorney) 07:18

I don't think—regardless of who the agent is, the owner's eligibility for a license or to be involved in this establishment that's licensed, that's a determination to be made through the renewal process. As long as this person is as long—as this person meets the eligibility criteria and fills out the application correctly, I don't believe that there would be a basis to deny the change of agent based on the owner's incarceration status.

Aldersonperson Chris Croatt (District 14) 08:01

Okay.

Zak Buruin (Assistant City Attorney) 08:02

So, we would deal with that when the renewal comes up.

Aldersonperson Chris Croatt (District 14) 08:05

Okay. Okay. Thank you for clarifying that. Okay, all right, questions from committee members. Alder Fenton Go ahead.

Aldersonperson Denise Fenton (District 6) 08:11

Thank you, Chair. Just to clarify, I understood Clerk Lynch to say that when they renewed their license, which is before this application for change of agent, is that...?

Clerk Kami Lynch 08:24

I believe it was done at the same time. So, they came in to apply for renewal of their alcohol license, and we always ask for changes. So, then they wanted the agent change, and sometimes establishments ask for a change of agent to be effective immediately, especially if the current agent is not available to be present. So.

Aldersonperson Denise Fenton (District 6) 08:45

So, they applied for a renewal of their license and added Ms. Karter to the—as a member of the LLC, and then at the same time, applied for the change of agent.

Clerk Kami Lynch 08:56

That's correct.

Aldersonperson Denise Fenton (District 6) 08:57

Okay, okay. I just wanted to make sure I had the chronology correct. Thank you.

Aldersperson Chris Croatt (District 14) 09:00

Okay. Other questions? All right, not seeing any. We have a motion and a second to approve the change of agent. Are we ready for a vote? All right, all those in favor of approval signify by saying aye. All opposed? Nay. Okay, so a motion fails. We need a new motion, which would be.

Aldersperson Chris Croatt (District 14) 09:25

Okay.

Aldersperson William Siebers (District 1) 09:25

Move for denial.

Aldersperson Denise Fenton (District 6) 09:26

Second.

Clerk Kami Lynch 09:26

Was everyone a nay on that?

Aldersperson Chris Croatt (District 14) 09:29

Yes. And we have a new motion to deny. And we have a second by Alder Fenton. The motion was by Alder Siebers. Any final comments? Okay, not seeing any. All those in favor of the denial signify by saying aye. All opposed? Four zero. Okay, that's recommended for denial. Okay, thank you both. Moving on to—

Aldersperson Alex Schultz (District 9) 09:50

Question.

Aldersperson Chris Croatt (District 14) 09:52

Sure. Go ahead. Alder Schultz.

Aldersperson Alex Schultz (District 9) 09:53

Just because now we'll have a week before Council, and this will come before—

Aldersperson Chris Croatt (District 14) 09:57

Let's use this.

Aldersperson Alex Schultz (District 9) 09:58

When this comes as a recommendation to deny, if the agent of the business submits a new application, I assume we could still—we could change that vote at Council, depending on—or do we want to—I guess my question is, in this period now between a motion to deny and Council, where we take the final vote on this, is there room for them to remediate some of the things we have concerns about?

Clerk Kami Lynch 10:24

To appoint a different agent at that point? I don't—

Aldersperson Alex Schultz (District 9) 10:28

No, essentially to take care of the issues we just discussed with the current application.

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Clerk Kami Lynch 10:32

To amend the application?

Aldersperson Alex Schultz (District 9) 10:34

If those two were amended and more to our liking at that point, I assume we could, you know—maybe members of this committee would change their minds given those changes.

Clerk Kami Lynch 10:47

I think that's a question more for the—

Aldersperson Chris Croatt (District 14) 10:49

I mean, that's more of a legal opinion, but it would be my understanding that we would be acting on this application, not—I don't know that they would have the ability to change their application that's coming before us.

Aldersperson Alex Schultz (District 9) 11:01

I guess that's what I'm wondering.

Zak Buruin (Assistant City Attorney) 11:04

I don't have—I don't have a concrete answer unfortunately. There would be nothing stopping them from reapplying immediately though.

Aldersperson Chris Croatt (District 14) 11:15

Right. Okay. Okay.

Zak Buruin (Assistant City Attorney) 11:18

I can try and find that out, but I don't at this point have a straight answer, unfortunately.

Aldersperson Chris Croatt (District 14) 11:23

Okay, all right, thank you.

Aldersperson Alex Schultz (District 9) 11:24

Thanks for that.

Aldersperson Chris Croatt (District 14) 11:25

Yep, no problem.