



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appletonwi.gov](http://www.appletonwi.gov)

## Meeting Agenda - Final Safety and Licensing Committee

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Wednesday, June 4, 2025

6:00 PM

Council Chambers, 6th Floor

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### Special Meeting

1. Call meeting to order

2. Pledge of Allegiance

3. Roll call of membership

4. Approval of minutes from previous meeting

[25-0598](#) Safety & Licensing Committee Minutes from 5/28/25

**Attachments:** [S&L Minutes 5.28.25.pdf](#)

5. Public Hearing/Apearances

6. Action Items

[25-0599](#) Non-renewal of the Class "B" Fermented Malt Beverage and "Class B" Liquor License for Tandem Wine & Beer, LLC located at 101 W Edison Street, Suite 100, Karter Thompson, Agent.

**Attachments:** [Tandem Wine & Beer Renewal 2025 Redacted.pdf](#)

[APD Memo - Tandem - alcohol license denial \(renewal\).pdf](#)

[Tandem Non-Renewal Hearing Notice 2025.pdf](#)

[Tandem Wine and Beer Denial Memo.pdf](#)

[Wisconsin DOT Certified CL & Driving Record Redacted.pdf](#)

[Certified Judgment of Conviction-Fond du Lac County 24CT651\\_Redacted.pdf](#)

[25-0600](#) The Safety and Licensing Committee may go into closed session pursuant to State Statute §19.85(1)(a) for the purpose of deliberating the non-renewal of an alcohol license and then may reconvene into open session.

7. Information Items

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.*



# City of Appleton

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## Meeting Minutes - Final Safety and Licensing Committee

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Wednesday, May 28, 2025

5:30 PM

Council Chambers, 6th Floor

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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

**Present:** 3 - Croatt, Van Zeeland and Fenton

**Excused:** 2 - Hartzheim and Firkus

4. Approval of minutes from previous meeting

[25-0575](#)

Safety & Licensing Committee Minutes from 5/14/25

**Attachments:** [S&L Minutes 5.14.25.pdf](#)

Fenton moved, seconded by Van Zeeland, that the Minutes be approved. Roll call. Motion carried by the following vote:

**Aye:** 3 - Croatt, Van Zeeland and Fenton

**Excused:** 2 - Hartzheim and Firkus

5. Public Hearing/Appearances

[25-0566](#)

Alcohol License Demerit Point Violation Appearance - Mr. Frogs on the Ave

**Attachments:** [Mr.Frogs Demerit Pt Letter \(2nd\).pdf](#)

*No one appeared for this item*

6. Action Items

[25-0572](#)

WI United Football Club - Summer Shootout Special Event Application

**Attachments:**     [WI UFC -Summer Shootout- Kickin' for a Cure -Application .pdf](#)  
[Memo - WI United Football Summer Shootout Event.pdf](#)  
[Hilton Letter of Support for Summer Shootout Event.pdf](#)

*Ann Bona and Eric Gebhart addressed the committee*

**Fenton moved, seconded by Van Zeeland, that the appeal and the Special Event License application be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 3 - Croatt, Van Zeeland and Fenton

**Absent:** 2 - Hartzheim and Firkus

### **Balance of the action items on the agenda.**

**Fenton moved, Van Zeeland seconded, to approve the balance of the agenda excluding Item 25-0567. The motion carried by the following vote:**

**Aye:** 3 - Croatt, Van Zeeland and Fenton

**Excused:** 2 - Hartzheim and Firkus

[25-0573](#)

McFleshman's Full-Service Retail Outlet Request for alcohol sales/service at the ADI Farmer's Market July 12, 19 & 26 (2025)

**Attachments:**     [McFleshmans AB-105 Farmers Market 2025.pdf](#)

**This Report Action Item was recommended for approval**

[25-0579](#)

Stone Arch Full-Service Retail Outlet Request for alcohol sales/service at the July 3rd Independence Day celebration in Memorial Park

**Attachments:**     [Stone Arch AB-105 July 3rd Fireworks Redacted.pdf](#)

**This Report Action Item was recommended for approval.**

[25-0565](#)

Class "B" Beer and Reserve "Class B" Liquor License application for Vault 202 Brewery and Taproom LLC d/b/a Vault 202 Brewery and Taproom, Frederick Stuedemann, Agent, located at 202 W College Ave, contingent upon approval from the Health and Inspections departments

**Attachments:**     [Vault 202 Brewery & Taproom LLC.Alcohol.Class B Beer Reserve Liquor.2.26.25.REDACTED.pdf](#)

**This Report Action Item was recommended for approval.**

[25-0568](#)

2025-2026 Late Cigarette, Tobacco, and Electronic Vaping Device License renewal applications

**Attachments:** [2025 LATE CTV RENEWALS.pdf](#)

**This Report Action Item was recommended for approval.**

[25-0569](#)

Cigarette, Tobacco, and Electronic Vaping Device License application for Esales Inc d/b/a The Flower Pot, Tye Hartwell, Agent, located at 2310 W College Ave

**Attachments:** [Flower Pot.Esales Inc.CTV.5.16.25REDACTED.pdf](#)

**This Report Action Item was recommended for approval.**

[25-0570](#)

Pet Store License renewal application for HSA Corporation d/b/a Pet Supplies Plus, Angela DeHaan, Applicant, located at 702 W Northland Ave, contingent upon approval from the Inspections department

**Attachments:** [Pet Supplies Plus.HSA Corporation.PK.5.14.25.REDACTED.pdf](#)

**This Report Action Item was recommended for approval.**

[25-0571](#)

Pet Store License renewal application for Just Pets LLC d/b/a Just Pets, Craig Weborg, Applicant, located at 2009 N Richmond St

**Attachments:** [Just Pets.PK.5.16.25.REDACTED.pdf](#)

**This Report Action Item was recommended for approval.**

[25-0577](#)

Salvage Dealer's License renewal application for Mr C's Motorcycles LLC d/b/a Mr C Cycle, Janet Ristau, Applicant, located at 724 S Outagamie St, contingent upon approval from the Inspections department

**Attachments:** [Mr C's Motorcycles.REDACTED.pdf](#)

**This Report Action Item was recommended for approval.**

[25-0335](#)

Temporary Class "B" Beer License application for Appleton Downtown Inc, Jennifer Stephany, Person in Charge, located at 333 W. College Ave, ~~on May 16, 2025~~ from 5:00 p.m. to 10:00 p.m. on College Avenue, from Superior Street to Durkee Street, for Light the Night Market special event, RESCHEDULED TO FRIDAY, MAY 30, 2025

**Attachments:** [Appleton Downtown Inc.Alcohol.Temp B Beer.Light the Night Market.5.16.25.REDACTED.pdf](#)

**This Report Action Item was recommended for approval.**

[25-0567](#)

2025-2026 Late Alcohol License renewal applications, contingent upon approval from all departments by 12:00 p.m. on June 30, 2025

**Attachments:** [2025 Late Alcohol License Renewals.pdf](#)

**Fenton moved, seconded by Van Zeeland, that the Alcohol License Renewal applications be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 3 - Croatt, Van Zeeland and Fenton

**Excused:** 2 - Hartzheim and Firkus

## **7. Information Items**

[25-0574](#)

AASD Truancy Initiatives Update

[25-0557](#)

Special Events

- Appleton Downtown Inc., Heid Music Summer Concert Series, Jones Park, Thursdays June 5th 2025 - August 28th 2025

- Appleton Parade Committee, City of Appleton Flag Day Parade, Approved Route, June 16th 2025

[25-0576](#)

Director's Report

1. City Clerk
2. Fire Chief
3. Police Chief

## **8. Adjournment**

**Van Zeeland moved, seconded by Fenton, that the meeting be adjourned at 5:52 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 3 - Croatt, Van Zeeland and Fenton

**Excused:** 2 - Hartzheim and Firkus

Form  
AB-200

Alcohol Beverage License  
Application

For Municipal Use Only	
Municipality	Appleton
License Period	25-26

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

- ☐ Class "A" Beer ..... \$ \_\_\_\_\_ ☐ Class "B" Beer ..... \$ 100
- ☐ "Class A" Liquor ..... \$ \_\_\_\_\_ ☐ "Class B" Liquor ..... \$ 400
- ☐ "Class A" Liquor (cider only) \$ \_\_\_\_\_ ☐ Reserve "Class B" Liquor \$ \_\_\_\_\_
- ☐ "Class C" Liquor (wine only) \$ \_\_\_\_\_

Fees	
License Fees	\$ 500
Background Check Fee	\$ 7
Publication Fee	\$ 20
Total Fees	\$ 527

Part A: Premises/Business Information

1. Legal Business Name (Individual name if sole proprietorship)			
TANDEM WINE and Beer LLC			
2. Business Trade Name or DBA			
TANDEM			
3. FEIN		4. Wisconsin Seller's Permit Number	
		456-102892556204	
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		7. Date of Organization	
WI		2009	
8. Wisconsin DFI Registration Number			
9. Premises Address			
101 W. Edison Ave STE 100			
10. City		11. State	12. Zip Code
Appleton		WI	54915
13. County		14. Governing Municipality: <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village	
OUTAGAMIE		of: _____	
15. Aldermanic District			
16. Premises Phone		17. Premises Email	
920 540 3502		karteralissa@gmail.com	
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.			
3,000 sq ft. Retail & Wine Lounge			
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. ☐ 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 . . ☐ 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
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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
Thompson	Karter	Agent	
Koenig	George	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 Thompson	First Name Karter	M.I. A
Title Agent	Email	Phone
Signature <i>Karter Thompson</i>		Date March 13, 2025

**Part E: For Clerk Use Only**

Date Application Was Filed With Clerk 3/13/25	License Number	Date License Granted	Date License Issued
Signature of Clerk/Deputy Clerk		Date Provisional License Issued (if applicable)	



# APPLETON POLICE DEPARTMENT

COMPASSION ★ INTEGRITY ★ COURAGE

**Appleton Police Department**  
222 South Walnut Street  
Appleton, WI 54911  
Phone: 920.832.5500  
Fax: 920.832.5553  
police.appletonwi.gov

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TO: Safety and Licensing Committee  
Common Council

FROM: Lt. Ben Goodin

DATE: 05/23/2025

RE: Police Department's Recommendation for Denial of Tandem Wine Bar's Business Alcohol License Renewal Application

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## Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Tandem Wine Bar's application for a business alcohol license renewal which is located at 101 W. Edison Ave. Suite 100 Appleton, WI. This recommendation is made based upon the fact that the owner of the LLC, George Koenig, is ineligible for licensure based upon arrest and / or conviction record under §125.04(5)(a)1., and the fact that he has been a habitual law offender under §125.04(5). Because he is a member of the LLC seeking the license, the LLC is also ineligible for licensure pursuant to §125.04(5)(b).

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



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police.appletonwi.gov

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. Mr. Koenig is a habitual law offender based on the following convictions which are substantially related to the licensed activity:

Operating While Intoxicated (1<sup>st</sup>) contrary to Wisconsin Statutes §346.63(1)(a), in Outagamie County case # 2017TR003458. This is a civil forfeiture.

Operating While Intoxicated (2<sup>nd</sup>) contrary to Wisconsin Statutes §346.63(1)(a), in Winnebago County case # 2018CT000941. This is a misdemeanor criminal offense.



# APPLETON POLICE DEPARTMENT

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Operating with a Prohibited Alcohol Concentration (3<sup>rd</sup>) contrary to Wisconsin Statutes §346.63(1)(b), in Fond du Lac County case # 2024CT000651. This is a misdemeanor criminal offense.

Impaired driving is a serious offense and a major problem not only in Wisconsin but across the entire country. Mr. Koenig has not shown the ability to make sound decisions by understanding when he is under the influence of alcohol 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.

The service of alcohol includes coming into contact with individuals in a very vulnerable state. These circumstances substantially relate to the circumstances of the above-described offenses.

Engaging in the licensed activity of the retail sale of alcohol also provides the direct opportunity for the same or similar unlawful behavior to be repeated.

Wis. Stat. §125.04(5)(c) states: “*Corporations and limited liability companies.* No license or permit may be issued to any corporation or limited liability company unless that entity meets the qualifications under pars. (a) 1. and 4. and (b), unless the agent of the entity appointed under sub. (6) and the officers and directors, or members or managers, of the entity meet the qualifications of pars. (a) 1. and 3. and (b) and unless the agent of the entity appointed under sub. (6) meets the qualifications under par. (a) 2. and 5. The requirement that the entity meet the qualifications under pars. (a) 1. and (b) does not apply if the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.”

Mr. Koenig’s repeated OWI convictions qualify him as a habitual law offender and additionally leave him with a conviction and / or arrest record that leave him ineligible for licensure. Since Mr. Koenig is still a member of the LLC that is wishing to renew its business liquor license, the Appleton Police Department is recommending the business’s renewal application be denied.

Very Respectfully,

Lt. Ben Goodin

Appleton Police Department



DEPARTMENT OF  
**LEGAL AND  
ADMINISTRATIVE  
SERVICES**

**OFFICE OF THE CITY CLERK**

100 N Appleton Street  
Appleton, WI 54911  
p: 920.832.6443  
f: 920.832.5823  
[www.appletonwi.gov](http://www.appletonwi.gov)

**May 28, 2025**

**Karter Thompson - Agent  
419 S Church Street  
Neenah, WI 54956**

**Notice of Non-renewal Hearing for the Alcohol License for Tandem Wine & Beer, LLC**

Ms. Thompson,

The purpose of this letter is to inform you of the status of your renewal alcohol license application for Tandem, located at 101 W Edison Ave Ste 100. The Appleton Police Department is recommending the non-renewal of your alcohol license based upon the arrest or conviction record of the owner of Tandem Wine & Beer, LLC, George Koenig. A copy of the letter recommending denial of the license is enclosed for your reference.

**A hearing for the non-renewal of your alcohol license has been scheduled for Wednesday, June 4<sup>th</sup>, 2025, before the Safety & Licensing Committee.** The hearing will take place at **6:00 p.m. in the Council Chambers – 6<sup>th</sup> floor at City Hall, 100 N Appleton St., Appleton, WI 54911.**

Pursuant to Wis. Stat. §111.335(4)(c), Mr. Koenig is allowed the opportunity to show “evidence of rehabilitation and fitness to engage in the licensed activity” which may be brought to the hearing on June 4<sup>th</sup> and presented to the Committee. Please bring any and all materials you wish for the Safety & Licensing Committee and the Common Council to review to the meeting of the Safety & Licensing Committee at the time and place noted above.

The Safety & Licensing Committee will make a recommendation on the renewal alcohol license application to the Common Council, who will make a final decision on the renewal application at 7:00 p.m., June 4<sup>th</sup>, following the Safety & Licensing Committee meeting.

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

Respectfully,

Kami Lynch, City Clerk

*Encl: APD Lt. Goodin Memo - Tandem*



DEPARTMENT OF  
**LEGAL AND  
ADMINISTRATIVE  
SERVICES**

**CITY ATTORNEY'S OFFICE**  
100 North Appleton Street  
Appleton, WI 54911  
p: 920.832.6423  
f: 920.832.5962  
[www.appletonwi.gov](http://www.appletonwi.gov)

TO: Safety and Licensing Committee, Common Council

From: ACA Zak Buruin

Date: May 29, 2025

RE: Non-renewal of the Class "B" Fermented Malt Beverage and "Class B" Liquor License for Tandem Wine & Beer, LLC located at 101 W Edison Street, Suite 100, Karter Thompson, Agent.

Tandem Wine & Beer LLC (hereafter referred to as "Tandem") has applied for renewal of Class "B" and "Class B" retail alcohol licenses. Staff has recommended that the licenses not be renewed. Having been notified of the intent to not renew the sought licenses, "Tandem" now appeals the staff recommendation of denial and 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**

State statute prohibits the issuance of a retail alcohol license to a LLC unless all of the officers, directors, members, and managers meet the eligibility criteria related to criminal and unlawful behavior. Mr. George Koenig remains a member of the limited liability company (LLC) applying for license renewal, as he is the owner. Mr. Koenig has thrice been convicted of intoxicated driving offenses in Wisconsin, with the most recent conviction date occurring on March 10, 2025. As intoxicated driving offenses are substantially related to the activity for which a license is (re)sought, Mr. Koenig's prohibited arrest record, conviction record, and history of habitual law violation leaves him, and his LLC ineligible to renew the retail alcohol licenses applied for. This ineligibility is subject to the opportunity to demonstrate evidence of 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.”

§125.04(5)(c) prohibits any license or permit may be issued to any corporation or limited liability company unless that company’s agent, and officers and directors, or members or managers meet the qualifications set forth in §125.04(5)(b).

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. This prohibition extends to the agents, officers, directors, members, and managers of corporations and limited liability companies.

### **Prohibited Discrimination**

#### **§111.321 – Prohibited Bases of Discrimination**

Arrest or conviction (among other bases not relevant to consideration here) are not generally 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 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.<sup>2</sup>

§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, for at least one year (including no subsequent criminal convictions).<sup>3</sup>

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:

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<sup>1</sup> Denials under other provisions may be subject to other requirements.

<sup>2</sup> 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.

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



- 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 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 Tandem Wine & Beer, LLC.**

"Tandem's" most recent application for renewal of retail licenses lists two members of the LLC. Karter Thompson is listed as the agent. This is a relatively recent change, but one with which there is no issue.

Mr. Koenig is listed as the owner of the LLC, and is certainly therefore a member of the LLC. The recent change of agent does not shield Mr. Koenig's legal background from consideration in the licensing decision. He remains a member of the LLC.

Mr. Koenig has thrice been convicted of intoxicated driving offenses.

- In Outagamie County case 17TR3458, he was convicted of a non-criminal offense of Operating While Intoxicated, contrary to Wisconsin Statutes §346.63(1)(a) on July 12, 2017. This is evidenced by the certified copy of Mr. Koenig's driving record.
- In Winnebago County case 18CT941, he was convicted of a criminal offense of Operating While Intoxicated, contrary to Wisconsin Statutes §346.63(1)(a) on January 14, 2019. This is evidenced by the certified copy of Mr. Koenig's driving record.
- In Outagamie County case 24CT651, he was convicted of a criminal offense of Operating With a Prohibited Alcohol Concentration, contrary to Wisconsin Statutes §346.63(1)(b) on March 10, 2025. This is evidenced by the certified copy of Mr. Koenig's driving record.

Each of these offenses, alone and particularly in concert, substantially relate to the licensed business of retail distribution of alcohol beverages. It is inarguable that engaging in the retail sale of alcohol beverages provides one with the opportunity to engaged in impaired driving. Engaging in such a business provides one with nearly unfettered access to alcohol beverages, and access to motor vehicles is nearly ubiquitous regardless of the presence of an alcohol license. The opportunity for impaired driving (i.e. criminal) behavior is palpable.

On at least three occasions of which the law is aware, Mr. Koenig reacted to the availability of

intoxicating substances and a motor vehicle by consuming to the point of excess and following that decision with the decision to drive. It is not clear whether any of these occasions involved his licensed establishment, but this is immaterial. Even assuming none of these incidents involved his establishment, they involved the lesser responsibility of merely having personal access to alcohol and a vehicle. The responsibility of commercial access and oversight of responsible distribution and consumption of intoxicants is higher. On three documented occasions, Mr. Koenig failed to respond appropriately to even the lower level of responsibility of mere personal consumption.

It is important to note that whether Mr. Koenig can perform the work associated with the license his LLC seeks is not material. At issue is the substantial relationship between the unlawful acts and the activity for which a license is sought.

Based upon the offenses for which Mr. Koenig has been convicted, his arrest record, conviction record, and record of habitual law violation leaves him and his LLC ineligible to renew the sought retail alcohol licenses.

The offenses which disqualify Mr. Koenig, and therefore “Tandem” as well, are subject to showing of rehabilitation. Should the applicant show evidence which it deems to be “competent evidence of sufficient rehabilitation,” either because they are statutorily obligated to, or because their judgement leads them to that conclusion, Mr. Koenig and therefore “Tandem’s” eligibility is restored. In such a case, the license must be renewed. Absent such a showing, the LLC is ineligible, and the license renewal must be denied.

### **Conclusion**

Mr. Koenig’s history of intoxicated driving offenses leaves him and his LLC ineligible for licensure under Chapter 125 of the Wisconsin statutes. Unless the Committee / Council receive what it determines to be “competent evidence of sufficient rehabilitation,” both Mr. Koenig and the LLC will remain ineligible for licensure and the Committee / Council may not renew the license applied for.



**WisDOT - Division of Motor Vehicles**  
Citations & Withdrawals Section  
PO Box 7917  
Madison, WI 53707-7917

**Governor Tony Evers**  
**Secretary Kristina Boardman**  
[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)  
Telephone: 608-267-1854  
FAX: 608-267-1873  
[dotdmvcws@dot.wi.gov](mailto:dotdmvcws@dot.wi.gov)

May 28, 2025

DIRECT ANY INQUIRY TO:

██████████ DOTJKK

APPLETON POLICE DEPT  
222 S WALNUT ST  
APPLETON WI 54911

**CERTIFIED RECORD**

MV3422 11/2005 s.343.24 Wis. Stats.

Certification of the Driving Record of:

Subject: George Hans Koenig  
DOB: ██████████  
Enclosures: Copy of the driving record abstract

Fee for certification is \$2.00. Make check payable to REGISTRATION FEE TRUST. Mail to: Division of Motor Vehicles; WI DOT; PO Box 7917; Madison WI 53707-7917 and please include a copy of this letter.

Attached hereto is a true and correct abstract of the operating record for the subject named therein as of the date of printing shown on the abstract that is maintained by the State of Wisconsin, Department of Transportation, Division of Motor Vehicles in accordance with the requirements of s.343.23, Stats.

In testimony, I sign and affix the triskelion below as the official Seal of the Wisconsin Department of Transportation in the City of Madison.

*Tommy Winkler Jr.*



Tommy Winkler Jr., Administrator  
Division of Motor Vehicles

Doc ID# 75507665



# Wisconsin Department of Transportation

wisconsindmv.gov

Division of Motor Vehicles  
4822 Madison Yards Way  
PO Box 7983  
Madison, WI 53707-7983

This driver record abstract was created on 05/28/2025 at 10:18:49 AM by DOTJJK. The information is current as of this date and time.

Driver ID :		Sex :	MALE	DOB :	
Customer# :		LPC :		Age :	56
Hair :	BALD	Eyes :	GREEN	Height :	
Weight :		Org Donor :		Opt Out:	Y

GEORGE HANS KOENIG

NEENAH, WI 54956 2543

Updated On : 07-06-2017

County : WINNEBAGO

Card Name(s) : KOENIG GEORGE H(REGULAR LICENSE)  
: KOENIG GEORGE HANS(OCCUPATIONAL LICENSE)  
: KOENIG GEORGE HANS(ID CARD)

## Additional Customer Information

INSURANCE REQUIRED UNTIL 03-11-2030  
05-27-2025 NEW WITHDRAWAL CASE PENDING  
03-11-2025 IID REQD FOR CLS D OP; NO BAC ABOVE .02  
03-11-2025 NO ALCOHOL CONCENTRATION > THAN .02  
03-11-2025 IGNITION INTERLOCK DEVICE RESTR REQUIRED  
Other Known Names:  
GEORGE H KOENIG  
Sex: MALE DOB:

## Regular License

Card Name : KOENIG GEORGE H  
Product : 18689932842  
Issued : 11-07-2022  
Expires : 09-02-2030  
App Type : RENEWAL  
Class : D  
Status : REV

## Occupational License

Card Name : KOENIG GEORGE HANS  
Product : 50897172206  
Issued : 10-30-2024  
Expires : 04-28-2025  
OCC Iss Case# : S085211  
App Type : ORIGINAL  
Orgl Dt : 08-08-2017  
Class : D  
Status : REV

GEORGE HANS KOENIG

**Restrictions** : Absolute Sobriety; Financial Responsibility; Permitted To Operate All Owned And Non-Owned Vehicles Within: Outagamie, Winnebago, Milwaukee Counties For: Business Owner For Self, Homemaker Mon: 09:00am-10:00am, 10:00am-01:00pm, 01:00pm-02:00pm, 07:00pm-10:00pm Tue: 09:00am-10:00am, 10:00am-01:00pm, 01:00pm-02:00pm, 07:00pm-10:00pm Wed: 09:00am-10:00am, 10:00am-01:00pm, 01:00pm-02:00pm, 07:00pm-10:00pm Thu: 09:00am-10:00am, 10:00am-01:00pm, 01:00pm-02:00pm, 07:00pm-10:00pm Fri: 09:00am-10:00am, 10:00am-01:00pm, 01:00pm-02:00pm, 07:00pm-10:00pm Sat: 09:00am-10:00am, 10:00am-01:00pm, 01:00pm-02:00pm, 07:00pm-10:00pm Sun: 09:00am-10:00am, 11:00am-01:00pm, 01:00pm-07:00pm, 07:00pm-10:00pm.

#### Cycle Instruction Permit

**Product** : 66428810086  
**Issued** : 05-21-1990  
**Expires** : 11-21-1990  
**App Type** : ORIGINAL  
**Class** : M  
**Status** : REV

#### ID Card Confidential

**Card Name** : KOENIG GEORGE HANS  
**Product** : 66419810085  
**Issued** : 04-17-2025  
**Expires** : 09-02-2032  
**Product Status** : VAL  
**App Type** : RENEWAL

---

**Revoked** : 05-13-2025 FOR AN INDEFINITE PERIOD **File** : R726348  
**Reason** : NCI-NON-COMPLIANCE / APPEAR FOR ASSESSMENT INTERVIEW  
**Authority** : DOT ACTION  
**Mailed To** : 05-13-2025 TO [REDACTED] NEENAH, WI 54956-2543

#### Occupational License

**Issued** : 10-30-2024  
**Expires** : 04-28-2025  
**OCC Iss Case#** : S085211

**Revoked** : 03-10-2025 FOR 27 MONTHS+45 DAYS **File** : R717756  
**Reason** : PAC-PROHIBITED ALCOHOL CONCENTRATION  
**Same Incdt File** : S085211  
**Authority** : FOND DU LAC COUNTY CIRCUIT COURT  
**Court Case** : 2024CT000651  
**Eligible** : 03-11-2027  
**Mailed To** : 03-12-2025 TO [REDACTED] NEENAH, WI 54956-2543  
**Reduced to Days** : 730 (Credit Days: 137)

**Suspended** : 10-24-2024 FOR 6 MONTHS **File** : S085211  
**Reason** : BAC-BLOOD ALCOHOL CONTENT VIOLATION DATE 09-02-2024  
**Same Incdt File** : R717756  
**Authority** : DOT ACTION  
**Eligible** : 04-25-2025  
**Mailed To** : 10-24-2024 TO [REDACTED] NEENAH, WI 54956-2543

**Violation** : 09-02-2024

GUILTY

GEORGE HANS KOENIG



[REDACTED]

Conviction : 10-24-2024 Points : 00  
Reason : BAC-BLOOD ALCOHOL CONTENT  
Operation : CLASS D  
Court Name : DOT ACTION  
Non UTC : BK264781-6  
ACD Code : A98  
See File : S085211  
Statute : 343.305(7)

Violation : 09-02-2024 GUILTY  
Conviction : 03-10-2025 Points : 06  
Reason : PAC-PROHIBITED ALCOHOL CONCENTRATION  
Operation : CLASS D  
Court Name : FOND DU LAC COUNTY CIRCUIT COURT  
Court Case : 2024CT000651  
UTC Number : BH689768-2  
ACD Code : A21  
See File : R717756  
Statute : 346.63(1)(b)

Violation : 07-12-2020 GUILTY  
Conviction : 08-20-2020 Points : 04  
Reason : SI-SPEEDING INTERMEDIATE (11-19 OVER) POSTED 030 OVER 015  
Operation : CLASS D  
Court Name : FOX CROSSING VILLAGE MUNICIPAL COURT - WINNEBAGO  
UTC Number : BC491040-4  
ACD Code : S92  
Statute : 346.57(5)

Reinstated : 01-03-2020  
License Ty : OPR

Revoked : 01-14-2019 FOR 1 YEAR+7 DAYS File : R400502  
Reason : OWI-OPERATING WHILE INTOXICATED  
Same Incdt File : S219814  
Authority : WINNEBAGO COUNTY CIRCUIT COURT  
Court Case : 2018CT000941  
Eligible : 12-31-2019  
Reinstated : 01-03-2020  
Mailed To : 01-15-2019 TO [REDACTED], NEENAH, WI 54956-2543  
Reduced to Days : 350 (Credit Days: 21)

Suspended : 12-24-2018 FOR 6 MONTHS File : S219814  
Reason : BAC-BLOOD ALCOHOL CONTENT VIOLATION DATE 11-24-2018  
Same Incdt File : R400502  
Authority : DOT ACTION  
Eligible : 06-25-2019  
Reinstated : 01-03-2020  
Mailed To : 12-26-2018 TO [REDACTED], NEENAH, WI 54956-2543

Violation : 11-24-2018 GUILTY  
Conviction : 12-24-2018 Points : 00  
Reason : BAC-BLOOD ALCOHOL CONTENT  
Operation : CLASS D

[REDACTED]

Court Name : DOT ACTION  
Non UTC : AD093375-2  
ACD Code : A98  
See File : S219814  
Statute : 343.305(7)

Violation : 11-24-2018  
Conviction : 01-14-2019  
Reason : OWI-OPERATING WHILE INTOXICATED  
Operation : CLASS D  
Court Name : WINNEBAGO COUNTY CIRCUIT COURT  
Court Case : 2018CT000941  
UTC Number : AD093375-2  
ACD Code : A21  
See File : R400502  
Statute : 346.63(1)(a)

GUILTY  
Points : 06

Reinstated : 11-24-2018  
License Ty : OPR

Revoked : 07-12-2017 FOR 9 MONTHS  
Reason : OWI-OPERATING WHILE INTOXICATED  
Authority : OUTAGAMIE COUNTY CIRCUIT COURT  
Court Case : 2017TR003458  
Eligible : 04-13-2018  
Reinstated : 11-24-2018  
Mailed To : 07-13-2017 TO [REDACTED] NEENAH, WI 54956-2543

File : R318296

Violation : 04-15-2017  
Conviction : 07-12-2017  
Reason : OWI-OPERATING WHILE INTOXICATED  
Operation : CLASS D  
Court Name : OUTAGAMIE COUNTY CIRCUIT COURT  
Court Case : 2017TR003458  
UTC Number : E553719-5  
ACD Code : A21  
See File : R318296  
Statute : 346.63(1)(a)

GUILTY  
Points : 06

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End of Record





The following charges were Dismissed but Read In

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Date(s) Read In
3	Possession of Cocaine/Coca	961.41(3g)(c)		Misd. U	09-02-2024	03-10-2025

It is adjudged that 2 days sentence credit are due pursuant to §973.155, Wisconsin Statutes.

☐ It is ordered the Sheriff take the defendant into custody

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

DISTRIBUTION:

Court  
Andrew J. Christenson,  
Judge  
Jeffrey P Klippa  
George H Koenig  
Tessa L Button, District  
Attorney  
Jail

Address

WI 54956

Service Type

None  
Electronic  
Mail  
Electronic  
Mail

