

## Item 25-0994: Class "B" Beer and Reserve "Class B" Liquor License Revocation Hearing for Rivera Restaurants LLC - Vanessa Alvarado, Agent

Safety and Licensing Committee

Wed, Aug 27, 2025 5:30PM

**Alderson Chris Croatt (District 14)** 14:05

That will take us back up to the 25-0994, which is the class B beer and reserve Class B liquor license revocation hearing for Rivera Restaurants LLC, Vanessa Alvarado, agent. I'm going to—yeah, there was a number of attachments, including the revised agenda has additional attachments. I'm going to turn this over to Attorney Behrens to explain the process for this and identify who's going to be involved in the process. So obviously the committee, the five members committee. Attorney Berens is the city attorney, and I'll turn it over to him, and you are ATTY. Okay.

**Attorney Christopher Behrens** 14:49

Thank you, Chair. As Alderson Croatt indicated, I'm Chris Behrens. I'm the city attorney, and I will be acting as counsel for this committee this evening to assist the committee with making sure that property process procedures are followed, and then assisting the chair with any questions that might come up during the meeting. The complaint before the committee is requesting that the council revoke Mister Frogs' alcohol license. Assistant City Attorney Zach Buruin will be presenting the complaint on behalf of the help them Police Department by Lieutenant Megan Cash.

**Attorney Christopher Behrens** 15:27

The complaint has two grounds for revocation alleged within it, first being that a sufficient number of demerit points has been accumulated that would require the license to be revoked. The second count is that the license holder is keeping or maintaining a disorderly or riotous or indecent or improper house, contrary to Wisconsin statutes 125.12 sub 2 sub ag2, and that therefore the licensee's alcohol license should be revoked. The licensee is Rivera Restaurants LLC, with the agent being Vanessa Alvarado. It appears that Ms. Alvarado is also represented by council. Council will have an opportunity to introduce himself at that point in the hearing.

**Attorney Christopher Behrens** 16:20

Going through the process and the ground rules just a bit for the benefit of everybody that's here, the hearing is being recorded, so it's imperative that everybody speak into the microphone so that you can be heard. That's important to create a clear record of the proceedings. Only people recognized to speak, should speak—one at a time, again, so that the record is clear; it's not obstructed by people speaking over each other. Attorney Buruin will provide a brief opening summary statement, and then will have an opportunity to call any witnesses that he deems appropriate. Once he's concluded, Ms. Alvarado, through her Council, may ask any follow up questions of those witnesses, as may members of this committee. There will be no other public participation or comment other than through the parties involved in the matter and this committee. All witnesses prior to testifying will be sworn in by Clerk Molitor. Once attorney Buruin has completed his portion of the presentation, then Ms. Alvarado, through her Council, will have an opportunity to present whatever material they wish to present.

**Alderson Chris Croatt (District 14)** 17:44

Okay, anything else?

**Attorney Christopher Behrens** 17:49

Just point out that in a hearing of this matter, the specific rules of evidence don't apply. Evidence having reasonable probative value should be allowed. Immaterial, irrelevant, unduly repetitious evidence may be excluded, and, Chair, it is your decision what evidence to include. Committee members—a reminder that they are to be impartial, make the determination on evidence presented at this hearing. After the close of evidence, the committee may, if it so chooses, elect to go into closed session and deliberate in closed session. No votes will be taken in closed session, however, any votes taken will be done back here in open session.

**Alderson Chris Croatt (District 14)** 18:45

Okay?

**Attorney Christopher Behrens** 18:45

That's it.

**Alderson Chris Croatt (District 14)** 18:46

Okay, all right. First, before I turn it over to Attorney Buruin, Vanessa Alvarado, are you present? Okay, and your counsel is with you?

**Attorney John Miller Carroll (Mr. Frogs)** 18:56

Attorney John Miller Carroll is present—

**Alderson Chris Croatt (District 14)** 18:58

Okay, thank you.

**Attorney John Miller Carroll (Mr. Frogs)** 18:59

—as—for the Registered Agent and the LLC. I'd like to make a request before we start, please.

**Alderson Chris Croatt (District 14)** 19:04

Okay. Before you do that, if you would like to sit, we can get a microphone here on those two chairs right here. Otherwise, you're fine staying right there.

**Attorney John Miller Carroll (Mr. Frogs)** 19:14

Well, we'll see how you how it goes here. But—

**Alderson Chris Croatt (District 14)** 19:16

Okay.

**Attorney John Miller Carroll (Mr. Frogs)** 19:17

I just have—I was retained on this case essentially this week. The—there's some procedural issues that come into play here that the committee needs to be aware of that the city attorney hasn't mentioned. First of all, this complaint is obviously drafted by the city attorney's office, not by Megan Cash. It's a complaint that clearly was drafted by an attorney okay. Under City Questions, Inc, versus City of Milwaukee—that's like the seminal case dealing with license revocations under Chapter 125—adequacy of notice, okay, is an essential part of these proceedings to ensure hearing fairness. She was served on August 20, which is last week.

**Attorney John Miller Carroll (Mr. Frogs)** 20:14

On August 20, I immediately—when I heard that this complaint was served, I went to the Appleton police department and physically requested and did an open records request, which was verbal at first, but then

followed it up with a written request, which I faxed to the department and noting that these records are needed immediately, as there's a hearing on August 27. So that was like a week ago. We have not received any information on any of these things other than what's in this complaint. There's been no interim discipline or request for sanctions or any kind of conditional imposition of a warning on the license, and we simply don't have time to prepare for this hearing.

**Attorney John Miller Carroll (Mr. Frogs) 21:02**

There's 14 separate incidents that occurred. Most of them occurred outside of the bar, and they didn't occur inside the bar. We just need more time to prepare for this, and I'm asking for the committee to agree to an adjournment for at least a month of these hearings so that we can get all the witnesses that we need here. There's potentially 50 potential witnesses that are here—they're here. And I understand that the rules of evidence don't apply strictly, but the case law clearly shows there has to be corroboration in the absence of witnesses, so that's our request today.

**Alderson Chris Croatt (District 14) 21:46**

Okay, are you finished?

**Attorney John Miller Carroll (Mr. Frogs) 21:47**

Yes.

**Alderson Chris Croatt (District 14) 21:47**

Okay, thank you. And I'm going to ask Attorney Behrens to—because you are assisting the committee. Based on what was the comment here, you have a response? Or do you have a recommendation for the committee?

**Attorney Christopher Behrens 22:03**

My recommendation will be to allow Attorney Buruin to respond.

**Alderson Chris Croatt (District 14) 22:06**

Okay, thanks. I wasn't sure if you or him would be appropriate to respond. Attorney Bur—District Four? Okay, it should be on. Attorney Buruin, go ahead.

**Zak Buruin (Assistant City Attorney) 22:19**

I'm going to object the adjournment. The statutes are very clear about when this hearing needs to be held in relation to when the complaint is served, and we are having this hearing now in an effort and out of necessity to comply with that. The requested adjournment would prevent compliance with that. Most of the other objections that Attorney Carroll has presented are, frankly, irrelevant. It doesn't matter who drafted the complaint. It matters that it was signed and submitted by an Appleton resident which it was; that's Lieutenant Cash. In full disclosure, yes, I did draft the complaint. Lieutenant Cash is the one who submitted the complaint. So that is a non-issue.

**Zak Buruin (Assistant City Attorney) 23:04**

As Attorney Behrens indicated, the rules of evidence do not apply. The notice is adequate as it meets the statutory requirements. I don't know what additional information Attorney Carroll is requesting or seeking. Can advise that the supporting documentation in the form of judgments of convictions and police reports has been part of the published agenda since at least Friday. So, it has been available to him and anybody who wants it, frankly. So, it has been there. The information that he's presented in terms of the number of incidents and where and how they occurred, those are, frankly, issues for the merits, and those are procedural issues. So, to the extent he has raised procedural concerns, I don't think they're valid. I don't think they have any merit. And

the remainder of his issues are substantive, and we can address those through the course of the hearing that I'm recommending we hold tonight.

**Alderson Chris Croatt (District 14) 24:06**

Okay.

**Attorney John Miller Carroll (Mr. Frogs) 24:06**

Could I just be heard on that?

**Alderson Chris Croatt (District 14) 24:08**

Go ahead.

**Attorney John Miller Carroll (Mr. Frogs) 24:09**

Chapter 125.12 paren 2 paren AR requires that the hearing be not less than three days, nor more than 10 days from the issuance of the summons. Okay? So technically, we have a seven-day notice for this hearing, and we've got more than—we haven't been able to get any public information from the city, and I've got verification. I'd like to mark this as an exhibit, if I can—

**Alderson Chris Croatt (District 14) 24:35**

Okay.

**Attorney John Miller Carroll (Mr. Frogs) 24:35**

—as part of the record. And I think if we're going to be cross examining witnesses effectively, we need to know who they are. So, it's on the short end of the notice. It's seven days from service.

**Alderson Chris Croatt (District 14) 24:58**

If you can mark it as submitted. Alder Van Zeeland, go ahead.

**Alderson Katie Van Zeeland (District 5) 25:05**

Thank you, Chair. I appreciate the comments from the council, but given the way that these hearings need to be held and the time frame that is supplied to us legally, I think that we should carry on with it, and I hope my colleagues feel the same way. Thank you.

**Alderson Chris Croatt (District 14) 25:24**

Okay, thank you.

**Attorney John Miller Carroll (Mr. Frogs) 25:26**

Actually, just on that point, the case law indicates that due process concerns exist, and you have the authority to do a continuance. So, the due process concerns override the statutory limitations.

**[Alderson Croatt conferred off-microphone with City Attorney Behrens.]**

**Alderson Chris Croatt (District 14) 26:12**

All right. I will make a ruling on this, but I'd like to see if there's other members of the committee that have any input. Alder Hartzheim, go ahead.

**Alderson Sheri Hartzheim (District 13) 26:12**

Thank you, Chair. I concur with what Alder van Zeeland mentioned earlier.

**Alderson Chris Croatt (District 14) 26:27**

Okay, thank you. Anyone else? Okay, Alder Firkus.

**Alderson Brad Firkus (District 3) 26:30**

Thank you, Chair. I think based on the number of incidents that have led us to this point today that this should not have come as a surprise, even if the notice was seven days ago, that I would feel there would be enough time to see this coming and be prepared for today, and since we are operating within the statutory dates, that I would say we should proceed.

**Alderson Chris Croatt (District 14) 26:55**

Okay, thank you. Alder Van Zeeland.

**Alderson Katie Van Zeeland (District 5) 26:56**

Thank you, Chair. And I'll just add, I think, in fairness to the others who have come before us, it's important that we follow our rules. Thank you.

**Alderson Chris Croatt (District 14) 27:07**

Okay, all right. Alder Fenton, anything?

**Alderson Denise Fenton (District 6) 27:11**

I believe that—agree—I agree with Alder Van Zeeland, in that keeping with prior hearings that we've held in this way that we should continue the hearing.

**Alderson Chris Croatt (District 14) 27:22**

Okay, with that said—and thanks for the input—I'm going to, I guess, rule that we're going to continue with the hearing today. So that would mean that we go to—do we need to do swearing in now, or at a different point? Because I was going to turn it over to Attorney Buruin for opening statements.

**Attorney Christopher Behrens 27:41**

You would turn it over to Attorney Buruin, and then if he calls any witness, those—

**Alderson Chris Croatt (District 14) 27:41**

They have to be sworn.

**Attorney Christopher Behrens 27:43**

—witnesses will each need to be sworn.

**Alderson Chris Croatt (District 14) 27:46**

Okay, all right. Attorney Buruin, I'm going to turn it over to you for your opening statement.

**Zak Buruin (Assistant City Attorney) 27:52**

Thank you. Before we get started in terms of set up, did we want to provide a place for the agent and council to sit or otherwise they could stay there and Goodin could speak from here.

**Alderson Chris Croatt (District 14) 28:05**

I offered that earlier. They chose to stay there. Have you changed your mind at all?

**Attorney John Miller Carroll (Mr. Frogs) 28:12**

We have no—do you want to sit down? I guess we could sit over there. I guess.

**Alderson Chris Croatt (District 14) 28:19**

Okay, we'll get a couple microphones for you. Just try to make it as comfortable as possible. Okay, and what microphones do you have, Attorney? They're numbered on the bottom. Okay. And Miss Alvarado? Seven. Okay. All right, Attorney Buruin, go ahead. The floor is yours.

**Zak Buruin (Assistant City Attorney) 28:57**

Thank you, Chair. Members of the committee. I just want to set the stage a little bit for my presentation here, give you a little bit of an idea of what to expect. Push comes to shove, I'm not going to get into a lot of cumulative repetition of the information that's already been provided, both in terms of the complaint and the supplementary documentation, which, as indicated, has been available for some time here. The complaint was available as of Friday, and the supplemental documentation at least by Monday. So, it has been available—all of that within the notice period. So that information is extensive, and frankly, if we spent a lot of time going over it, it would be a rather lengthy period of time that we'd be here, and the information is there as part of the record already, based on its attachment here.

**Zak Buruin (Assistant City Attorney) 29:48**

There are some things that I'm going to—that I'm going to point out, and some patterns that I'm going to draw out, and a lot of that is going to happen through the testimony of Lieutenant Goodin who deals with alcohol licensing issues, but there's a couple things I want to highlight before we get into this. First is there's two separate basis for revocation that are noted in the complaint. They're separate. They're independent. Either one of them, by itself, is a big—is a sufficient, proper legal basis revocation.

**Zak Buruin (Assistant City Attorney) 30:19**

First one is obviously the demerit points and the accumulation of those demerit points within the period set forth within our code. And I will note that there's been 265 demerit points accumulated in a 12-month period. 200 in three years is what prompts a revocation. That is based on date of convictions related to those. So those demerit points have accumulated, with a number of them coming ripe over the past several weeks based on dates of conviction for newer offenses. So that is one thing, and there is a separate section within the complaint that deals with those items specifically.

**Zak Buruin (Assistant City Attorney) 31:00**

There is some overlap with the other section, and that goes to the disorderly or riotous house. So that is a separate basis. It is more—admittedly more nebulous. It's not statutorily defined. And this is, again, gone over a little bit in the memorandum that I completed previous or the complaint. It is noted in there and there is some case law that kind of goes into a little bit about what that means, and there's some explanation statutorily how that power—or what that determination is to be based on. And it's largely based on the kinds of things you would expect, your duty to act in the interest of public safety, public welfare, public health, those types of things.

**Zak Buruin (Assistant City Attorney) 31:45**

And I will note, as Attorney Carroll noted, there's 14 or 15 incidents noted within the complaints within the two sections. And while we don't have a number or a specific definition, I think it's worth pointing out that in at least one federal case in the Seventh Circuit where this issue has come up, there was a bar that was found to be a disorderly or riotous house based on what is termed a "disturbing pattern of violence and disruptive behavior," where the city's allegations described eight incidents occurring during a 27 month period, and here we are

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dealing with twice that in less than half the time. So, while it's not specifically defined, I think that there is enough information contained within what's been provided and supplementary documentation that the committee will be able to use its judgment, and ultimately, at least with regard to that matter, it is the committee's judgments to determine whether or not this establishment is a riotous house. And based on—based on the incidents that have occurred there over the past approximately 12 months, I think it will be clear to the committee that this is a disorderly, riotous house, and that revocation is appropriate on that basis as well. So, with that in mind, I'm prepared to proceed, and my first witness would be Lieutenant Ben Goodin.

**Alderman Chris Croatt (District 14)** 33:23

Okay. Lieutenant Goodin needs to be sworn in. Nine. There you go. Go ahead,

**City Clerk Amy Molitor** 33:41

State your full name and then spell your last

**Lieutenant Ben Goodin (Police)** 33:44

Benjamin Michael Gooden, G O O D I N.

**City Clerk Amy Molitor** 33:48

Raise your right hand. Do you solemnly swear that the testimony you shall give in this matter shall be the truth, the whole truth, and nothing but the truth so help you God?

**Lieutenant Ben Goodin (Police)** 33:56

I do.

**Alderman Chris Croatt (District 14)** 33:58

Okay. Attorney Buruin, you may continue.

**Zak Buruin (Assistant City Attorney)** 34:01

Thank you, Chair. Lieutenant Goodin, how are you employed?

**Lieutenant Ben Goodin (Police)** 34:05

Lieutenant with the Appleton Police Department.

**Zak Buruin (Assistant City Attorney)** 34:07

What's your current duty assignment?

**Lieutenant Ben Goodin (Police)** 34:09

I work on patrol. Some—I have extra duties, one of which includes monitoring the licensed premise activities in the city.

**Zak Buruin (Assistant City Attorney)** 34:16

And when you say "licensed premises activities in the city," that's referring to alcohol licenses, is that right?

**Lieutenant Ben Goodin (Police)** 34:21

Yes.

**Zak Buruin (Assistant City Attorney)** 34:21

What do those duties entail generally?

**Lieutenant Ben Goodin (Police) 34:25**

Reviewing individual bartender applications, reviewing business alcohol license applications, monitoring violations that occur, conducting premise checks, conducting controlled alcohol transaction checks, etc.

**Zak Buruin (Assistant City Attorney) 34:41**

As part of your duties, both as a patrol lieutenant and regarding the licensed premises monitoring, are you familiar with the complaint and the allegations that are the subject of this hearing tonight?

**Lieutenant Ben Goodin (Police) 34:55**

I am.

**Zak Buruin (Assistant City Attorney) 34:58**

Are you familiar with the support. Documentation that goes along with those as well?

**Lieutenant Ben Goodin (Police) 35:02**

I am.

**Zak Buruin (Assistant City Attorney) 35:05**

Based on your—let me ask it this way, to the best of your knowledge, are the allegations contained within the complaint true and accurate?

**Lieutenant Ben Goodin (Police) 35:16**

They are.

**Zak Buruin (Assistant City Attorney) 35:16**

To the best of your knowledge is the documentation contained as a supplement to that complaint, is that true and accurate?

**Lieutenant Ben Goodin (Police) 35:23**

Yes.

**Zak Buruin (Assistant City Attorney) 35:23**

Just generally speaking, can you describe a little bit how incidents like that, if they do, how they create a dangerous atmosphere that—how they—if they create any kind of dangerous atmosphere or difficulties for policing purposes.

**Lieutenant Ben Goodin (Police) 35:40**

The incidents from the complaint is that what you're referencing?

**Zak Buruin (Assistant City Attorney) 35:44**

Yes, generally.

**Lieutenant Ben Goodin (Police) 35:45**

The biggest concern is anytime we have fights or disturbances fighting breaking out it becomes a significant concern for people's safety, the well-being of the citizens, whether it's those that are directly involved or even bystanders nearby. That's the primary concern we have when we're patrolling the Avenue on Fridays and Saturday nights, when bar time.

**Zak Buruin (Assistant City Attorney) 36:09**

Incidents like what's described in the complaint, do they make it more difficult for you to police the avenue around bar time?

**Lieutenant Ben Goodin (Police) 36:16**

Yes, very much so. It pulls a lot of resources when we have incidents, as stated in the complaint, occurring.

**Zak Buruin (Assistant City Attorney) 36:29**

During the course of your duties dealing with the license premises, have you had discussions with staff or the license holder at Mr. Frogs?

**Lieutenant Ben Goodin (Police) 36:38**

Yes, several times.

**Zak Buruin (Assistant City Attorney) 36:39**

Did you have any discussions with them prior to the business opening approximately one year ago?

**Lieutenant Ben Goodin (Police) 36:46**

I did.

**Zak Buruin (Assistant City Attorney) 36:47**

Can you describe what that conversation was about?

**Lieutenant Ben Goodin (Police) 36:50**

In general, I make it a common practice anytime I see a new business application on my desk, I reach out to the applicant or the agent, potential agent, and speak to them to make sure they're aware of the demerit point system, what constitutes violations, commonly encountered violations, importance of checking IDs, security, having people at the doors, over serving. Basically, you name it, I kind of try to cover it, mainly because a lot of people this might be the first time running a business that has a liquor license. So, I did have the conversation with the agent for Mr. Frogs, Miss Alvarado, prior to them receiving their application last year.

**Zak Buruin (Assistant City Attorney) 37:32**

Did you make any kind of safety recommendations prior to them opening?

**Lieutenant Ben Goodin (Police) 37:36**

Yeah, that's another part I include is recommending monitoring people that are causing problems, addressing that behavior proactively, calling us as much as they can if there's going to be an issue that we need to be involved to help resolve that problem that's developing.

**Zak Buruin (Assistant City Attorney) 37:54**

When you say calling us that's referring to police, correct?

**Lieutenant Ben Goodin (Police) 37:57**

Yes, police.

**Zak Buruin (Assistant City Attorney) 37:58**

So, you discuss the importance of them actually calling police to assist with issues?

**Lieutenant Ben Goodin (Police) 38:02**

Correct.

**Zak Buruin (Assistant City Attorney) 38:03**

So, all those conversations were had before the business opened. Is that right?

**Lieutenant Ben Goodin (Police) 38:10**

Correct.

**Zak Buruin (Assistant City Attorney) 38:11**

Within the complaint, there is at least one incident that occurred the first weekend the bar is open. Is that right?

**Lieutenant Ben Goodin (Police) 38:19**

Correct. It was their first night.

**Zak Buruin (Assistant City Attorney) 38:20**

And that would be the first incident chronologically discussed within the complaint?

**Lieutenant Ben Goodin (Police) 38:27**

Yes.

**Zak Buruin (Assistant City Attorney) 38:28**

After that incident, did you have any kind of follow up discussions with the staff or the license holder?

**Lieutenant Ben Goodin (Police) 38:36**

Yes, I spoke with Miss Alvarado again after that incident, just going over safety measures, again, the importance of notifying the police if there's issues getting out of hand, identifying problem behaviors, and addressing those proactively.

**Zak Buruin (Assistant City Attorney) 38:52**

Is that the only other time you had additional follow up discussions with Miss Alvarado?

**Lieutenant Ben Goodin (Police) 38:56**

No.

**Zak Buruin (Assistant City Attorney) 38:56**

When was the next time, if you recall, having additional follow up discussions with her?

**Lieutenant Ben Goodin (Police) 39:02**

I believe it would have been after the November under age on premise citation.

**Zak Buruin (Assistant City Attorney) 39:07**

What did that conversation entail if you remember?

**Lieutenant Ben Goodin (Police) 39:10**

I personally issued that citation. I was one that observed the violation. And so we spoke about the importance of a door person monitoring the door at all times, additional safeguards on preventing passive entry by sneaking

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around a door person, by putting a physical barrier in place, or some sort of rope or something of that effect, and again, stressing the importance of preventing minors from entering the bar.

**Zak Buruin (Assistant City Attorney) 39:37**

There was another incident in March of this year. Do you recall having any follow up conversations with Miss Alvarado after that incident?

**Lieutenant Ben Goodin (Police) 39:48**

Yes, we spoke in March after the citation for open after hours was issued.

**Zak Buruin (Assistant City Attorney) 39:55**

Was that conversation more of the same?

**Lieutenant Ben Goodin (Police) 39:59**

Correct.

**Zak Buruin (Assistant City Attorney) 40:13**

So as part of your duties, are you—do you familiarize yourself with the investigations that would surround licensed premises?

**Lieutenant Ben Goodin (Police) 40:21**

I do.

**Zak Buruin (Assistant City Attorney) 40:22**

Based on your familiarity with these incidents, do you have any way that you would characterize the way that Mister Frogs responds to disorderly incidents in and around the establishment

**Lieutenant Ben Goodin (Police) 40:37**

Less than cooperative. We have received some cooperation, but not every time. As far as requesting video or staff cooperating with our questions, like right on scene when an incident is unfolding, that's been one of the biggest hurdles other officers have faced.

**Zak Buruin (Assistant City Attorney) 40:55**

Sounds like their level of cooperation or their level of assistance is fairly inconsistent. Is that a fair way to characterize it?

**Lieutenant Ben Goodin (Police) 41:01**

Yeah, I would agree.

**Zak Buruin (Assistant City Attorney) 41:05**

Based on your experience and your knowledge, how often is it that the law—that law enforcement becomes involved based on a call from the business itself? Is it frequent? Seldom? Somewhere in between?

**Lieutenant Ben Goodin (Police) 41:24**

I would say a few times a month. Out of all the bars that we monitor in the 400-500 block of College Ave, they require the most attention.

**Zak Buruin (Assistant City Attorney) 41:39**

So that's the attention they end up getting. How often—how often do they call for your help? Or for police help?

**Lieutenant Ben Goodin (Police) 41:48**

Rarely.

**Zak Buruin (Assistant City Attorney) 42:01**

You discussed issues with getting video or getting video promptly. Could you tell us a little bit more about the general pattern with that if there is one?

**Lieutenant Ben Goodin (Police) 42:14**

I personally have not had to review video. I believe I discussed where the cameras were positioned with Miss Alvarado at one point, just as a more of an awareness for myself, if we were to need it in the future. I just know other officers have spoken to me about investigations they've handled where they've had delays in getting video, and I can't cite specific examples offhand. I just know those conversations have been had.

**Zak Buruin (Assistant City Attorney) 42:38**

That is—when that occurs that would be noted in the police report. So, is that fair to say?

**Lieutenant Ben Goodin (Police) 42:44**

Typically.

**Zak Buruin (Assistant City Attorney) 42:52**

Based on your knowledge of these investigations, does it appear to you that the staff on site is more interested in addressing issues or making sure that the business is not held responsible for them?

**Lieutenant Ben Goodin (Police) 43:15**

I would say making sure the business is not held responsible.

**Zak Buruin (Assistant City Attorney) 43:31**

So, with the inconsistent level of response or assistance that you get from the bar, does that make it more difficult for officers to investigate incidents that occur?

**Lieutenant Ben Goodin (Police) 43:39**

It does.

**Zak Buruin (Assistant City Attorney) 43:40**

Based on your experience, does that result in a lower level of accountability for people who engage in illicit behavior at the bar?

**Lieutenant Ben Goodin (Police) 43:52**

It does.

**Zak Buruin (Assistant City Attorney) 43:53**

And does that take the form of less viable prosecutions, fewer prosecutions, fewer citations, or some combination of all those things?

**Lieutenant Ben Goodin (Police)** 44:05

They get—more or less gives people a message that this bar isn't going to hold us accountable when we act out in a negative manner, and so they are attracted to that environment.

**Zak Buruin (Assistant City Attorney)** 44:34

Based on your familiarity with the incidents that we've been talking about in general terms, are you familiar with incidents in which violent or disorderly issues have been pushed out of the bar and on to College Avenue without there being any police call?

**Lieutenant Ben Goodin (Police)** 44:51

Yes.

**Zak Buruin (Assistant City Attorney)** 45:01

You'd mentioned—gonna largely finish up here, but you mentioned previously that Mr. Frogs takes up a disproportionate amount of police resources when, essentially at bar time. Do you remember saying something to that effect?

**Lieutenant Ben Goodin (Police)** 45:22

Yes.

**Zak Buruin (Assistant City Attorney)** 45:23

How does that affect police ability to provide services at other areas of the College Avenue during bar time?

**Lieutenant Ben Goodin (Police)** 45:31

Well, it pulls us away from other areas. It's a pretty large area that we try to cover in the those two plus blocks, and we have to devote several officers to monitor Mr. Frogs, especially at bar time, due to the number of previous issues we've had. And so other places get neglected, and not even just from potential fight standpoint, but just from an overall presence, monitoring for underage, monitoring for over serving, other issues, and then the whole city at large is also being neglected because we have so many resources being dedicated to this area on a Friday, Saturday night. It's a city of 75,000 people. There's other calls for service that come in during those times, and it affects our response times as a result.

**Zak Buruin (Assistant City Attorney)** 46:13

This is going to sound like a silly question, but this will be my last question, I think. Based on your experience as a police officer, generally and in this particular role, does that concentration of resources make the rest of the city more or less safe?

**Lieutenant Ben Goodin (Police)** 46:40

Less safe.

**Zak Buruin (Assistant City Attorney)** 46:42

That is all that I have for Lieutenant Goodin at this time.

**Aldersperson Chris Croatt (District 14)** 46:45

Okay, thank you. Attorney Carroll, do you have any questions for the witness? Okay. Let me get your microphone on. I'm sorry. You're microphone six?

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**Attorney John Miller Carroll (Mr. Frogs) 46:58**

Thank you.

**Alderson Chris Croatt (District 14) 46:58**

Thank you. Sorry about that.

**Attorney John Miller Carroll (Mr. Frogs) 46:59**

Yeah, Lieutenant Goodin, so let's just talk about specific incidents. Okay? September 14, there was a demerit point violation, correct?

**Lieutenant Ben Goodin (Police) 47:14**

Correct.

**Attorney John Miller Carroll (Mr. Frogs) 47:15**

Okay, so there was, there was a fight that took place in the Saint Joseph's church parking lot, and people began fleeing, correct?

**Lieutenant Ben Goodin (Police) 47:28**

The fight occurred inside Mr. Frogs.

**Attorney John Miller Carroll (Mr. Frogs) 47:30**

Okay, were you present and saw that?

**Lieutenant Ben Goodin (Police) 47:32**

No, but other officers—

**Attorney John Miller Carroll (Mr. Frogs) 47:33**

Okay, that's all I asked you. Okay, so, but as far as this complaint says, it occurred in the parking lot outside of the bar, correct?

**Lieutenant Ben Goodin (Police) 47:43**

You'd have to read the quotation.

**Attorney John Miller Carroll (Mr. Frogs) 47:46**

If I had the reports, maybe I could determine that. But I'm asking you a question. Did you see what happened?

**Lieutenant Ben Goodin (Police) 47:51**

I wasn't there.

**Attorney John Miller Carroll (Mr. Frogs) 47:52**

All right, so this is in an area of downtown Appleton where fights are occurring all the time at bar time, correct, in the alleys all over town.

**Lieutenant Ben Goodin (Police) 48:01**

Yes.

**Attorney John Miller Carroll (Mr. Frogs) 48:02**

Okay. So, what evidence do you have that that incident occurred inside this establishment?

**Lieutenant Ben Goodin (Police) 48:11**

The police reports in the supplements that the other officers authored.

**Attorney John Miller Carroll (Mr. Frogs) 48:15**

Okay. So, you don't have any corroboration for what they had to say today?

**Lieutenant Ben Goodin (Police) 48:21**

Again, that's in the police reports.

**Attorney John Miller Carroll (Mr. Frogs) 48:22**

So, there was one citation for underage drinking that was issued to someone that was involved in that fight, correct?

**Lieutenant Ben Goodin (Police) 48:33**

Yes.

**Attorney John Miller Carroll (Mr. Frogs) 48:34**

Okay, and but you don't know who served him and at what bar it took place in?

**Lieutenant Ben Goodin (Police) 48:38**

Correct.

**Attorney John Miller Carroll (Mr. Frogs) 48:39**

So, he was convicted of resisting and obstructing and possession of THC in Outagamie County.

**Lieutenant Ben Goodin (Police) 48:48**

Yes.

**Attorney John Miller Carroll (Mr. Frogs) 48:49**

On July 15.

**Lieutenant Ben Goodin (Police) 48:50**

Yes.

**Attorney John Miller Carroll (Mr. Frogs) 48:51**

And you at the city is assessing 45 demerit points for what somebody else may have done in this bar.

**Lieutenant Ben Goodin (Police) 49:02**

It's being assessed based on the information from the police reports.

**Attorney John Miller Carroll (Mr. Frogs) 49:06**

Let's move on to November 8. So, the first incident, is that—you keep records of when you visit bars to give them reminders of what they're supposed to be doing?

**Lieutenant Ben Goodin (Police) 49:20**

No.

**Attorney John Miller Carroll (Mr. Frogs) 49:23**

Okay, so you testified earlier under oath that you went there after the first night that they were open.

**Lieutenant Ben Goodin (Police) 49:30**

I didn't say I went there. We spoke on the phone.

**Attorney John Miller Carroll (Mr. Frogs) 49:32**

You spoke on the phone. Okay. Did you keep a record of that somewhere?

**Lieutenant Ben Goodin (Police) 49:35**

I have a call log showing I called Vanessa and we spoke.

**Attorney John Miller Carroll (Mr. Frogs) 49:41**

Okay, let's move on to the November 8 incident. So, a bouncer from another establishment flagged—advised a police officer that an underage person who was 20 tried to enter the bar and but had been denied entry?

**Lieutenant Ben Goodin (Police) 50:02**

Correct.

**Attorney John Miller Carroll (Mr. Frogs) 50:03**

Okay. And so, you kind of let this person go to every establishment on College Avenue, and you followed her without her knowing that you were there?

**Lieutenant Ben Goodin (Police) 50:14**

Correct.

**Attorney John Miller Carroll (Mr. Frogs) 50:14**

Is that kind of what happened?

**Lieutenant Ben Goodin (Police) 50:16**

Yes.

**Lieutenant Ben Goodin (Police) 50:16**

After the first one?

**Attorney John Miller Carroll (Mr. Frogs) 50:16**

So, do you know—you—did you observe her? And how many establishments did she try to enter?

**Attorney John Miller Carroll (Mr. Frogs) 50:22**

Yeah, is there—by the way, is there a report about this one too?

**Lieutenant Ben Goodin (Police) 50:31**

Yeah, I wrote the police report for this incident.

**Attorney John Miller Carroll (Mr. Frogs) 50:38**

Okay.

**Lieutenant Ben Goodin (Police) 50:38**

So, she tried to go into one other bar, got denied, and then went into Mr. Frogs.

**Attorney John Miller Carroll (Mr. Frogs) 50:39**

Okay. Did you observe whether she was carded when she went into Mr. Frogs.

**Lieutenant Ben Goodin (Police) 50:43**

No, I couldn't see that.

**Attorney John Miller Carroll (Mr. Frogs) 50:45**

Okay, so we don't know whether she presented a fake ID to the bouncer at the bar.

**Lieutenant Ben Goodin (Police) 50:50**

No.

**Attorney John Miller Carroll (Mr. Frogs) 51:00**

Okay, so as a result of that investigation, you issued a ticket to Vanessa Alvarado, the woman sitting to my left?

**Lieutenant Ben Goodin (Police) 51:08**

Correct.

**Attorney John Miller Carroll (Mr. Frogs) 51:09**

Okay. And she wasn't present when this happened.

**Lieutenant Ben Goodin (Police) 51:13**

Not to my knowledge.

**Attorney John Miller Carroll (Mr. Frogs) 51:15**

Okay. Do you know who the bartender was that served the person?

**Lieutenant Ben Goodin (Police) 51:19**

She wasn't served.

**Attorney John Miller Carroll (Mr. Frogs) 51:21**

Do you know was anybody else involved in the incident, other than the agent from the LLC?

**Lieutenant Ben Goodin (Police) 51:28**

Like any other employees?

**Attorney John Miller Carroll (Mr. Frogs) 51:29**

Yes.

**Lieutenant Ben Goodin (Police) 51:29**

I don't know what other employees were working that night. No.

**Attorney John Miller Carroll (Mr. Frogs) 51:34**

So, you—you didn't see whether or not the 20-year-old was asked for an ID when she went into the bar.

**Lieutenant Ben Goodin (Police) 51:40**

She—no, I didn't. She claimed she presented one, but she didn't have one in her possession when we arrested her.

**Attorney John Miller Carroll (Mr. Frogs) 51:45**

Okay. So, you unilaterally assessed 80 demerit points for that.

**Lieutenant Ben Goodin (Police) 51:50**

Yes, because she walked right in. I watched it happen.

**Attorney John Miller Carroll (Mr. Frogs) 51:54**

But you don't know what efforts were made to find out what her true age was.

**Lieutenant Ben Goodin (Police) 51:58**

It appeared zero, because there was no line of waiting or discussion with anybody. She walked right in.

**Attorney John Miller Carroll (Mr. Frogs) 52:02**

Okay. All right, so then fast forward about five months. No problems at all until March?

**Lieutenant Ben Goodin (Police) 52:14**

I can't testify to that.

**Attorney John Miller Carroll (Mr. Frogs) 52:16**

Well, the complaint doesn't contain any allegations between November 8 and March 3, right?

**Lieutenant Ben Goodin (Police) 52:22**

Then I would go off with the complaint says, yes.

**Attorney John Miller Carroll (Mr. Frogs) 52:24**

Okay. So, this time there was a fight outside the bar somewhere on College Avenue?

**Lieutenant Ben Goodin (Police) 52:31**

Yes.

**Attorney John Miller Carroll (Mr. Frogs) 52:32**

And people that were there refused to give statements.

**Lieutenant Ben Goodin (Police) 52:37**

If that's what it says. I was not there for that incident.

**Attorney John Miller Carroll (Mr. Frogs) 52:42**

Okay, so the altercation didn't occur inside the bar on Mar—the March incident.

**Lieutenant Ben Goodin (Police) 52:48**

Pretty sure the report indicated video showed the altercation began inside the bar then spilled outside.

**Attorney John Miller Carroll (Mr. Frogs) 52:58**

But the fight itself actually occurred outside, right?

**Lieutenant Ben Goodin (Police) 53:02**

Well fight's a very subjective term.

**Attorney John Miller Carroll (Mr. Frogs) 53:03**

It says "Michael Jimenez followed him out of the bar, and the two men appeared to be swinging at each other and begin to fight" outside the bar, right?

**Lieutenant Ben Goodin (Police) 53:15**

If that's a direct quote, then yes, I believe you.

**Attorney John Miller Carroll (Mr. Frogs) 53:18**

And you don't have any video of them fighting inside the bar or people letting them fight inside the bar.

**Lieutenant Ben Goodin (Police) 53:24**

I know an officer viewed the video. I don't know if it was saved or what's notated in his report regarding it.

**Attorney John Miller Carroll (Mr. Frogs) 53:30**

Okay. So, these two individuals were cited for disorderly conduct, right? And pled guilty to the offenses.

**Lieutenant Ben Goodin (Police) 53:37**

Yes.

**Attorney John Miller Carroll (Mr. Frogs) 53:45**

So, other than that fight outside the bar, there was nothing relating to that incident that you could impute to the license—the license holder.

**Lieutenant Ben Goodin (Police) 53:53**

Pretty certain that was the open after-hours citation.

**Attorney John Miller Carroll (Mr. Frogs) 54:04**

All right, did you go and tell them that you—were you the one that wrote the citation, or some another officer write the citation?

**Lieutenant Ben Goodin (Police) 54:13**

For the March incident?

**Attorney John Miller Carroll (Mr. Frogs) 54:14**

Yeah.

**Lieutenant Ben Goodin (Police) 54:14**

I did not write that citation.

**Attorney John Miller Carroll (Mr. Frogs) 54:16**

Okay, did some—did you visit them after that incident and tell them that they should be careful?

**Lieutenant Ben Goodin (Police) 54:22**

I spoke with Miss Alvarado on the phone.

**Attorney John Miller Carroll (Mr. Frogs) 54:24**

After the March incident?

**Lieutenant Ben Goodin (Police) 54:26**

After the open after-hours incident, yes, sir.

**Attorney John Miller Carroll (Mr. Frogs) 54:28**

Okay. All right, so is that it, as far as the incidents go? The under age and the open after-hours citation?

**Lieutenant Ben Goodin (Police) 54:40**

For demerits?

**Attorney John Miller Carroll (Mr. Frogs) 54:41**

Yeah.

**Lieutenant Ben Goodin (Police) 54:42**

No, there's another disorderly conduct conviction for one of the employees. Officer Biffert wrote that citation.

**Attorney John Miller Carroll (Mr. Frogs) 54:51**

Which employee? Tierrablanca, or...?

**Lieutenant Ben Goodin (Police) 54:53**

Ronni Levitt.

**Attorney John Miller Carroll (Mr. Frogs) 54:54**

Ronni Levitt.

**Lieutenant Ben Goodin (Police) 54:55**

I know the conviction was in July. I don't recall the date of that incident, though.

**Attorney John Miller Carroll (Mr. Frogs) 55:01**

Okay. Have there—have there ever been any shootings inside the bar?

**Lieutenant Ben Goodin (Police) 55:04**

No.

**Attorney John Miller Carroll (Mr. Frogs) 55:04**

There ever been any stabbings inside the bar?

**Lieutenant Ben Goodin (Police) 55:07**

No.

**Attorney John Miller Carroll (Mr. Frogs) 55:07**

Have there ever been, actually, any fights inside the bar?

**Lieutenant Ben Goodin (Police) 55:11**

Yes.

**Attorney John Miller Carroll (Mr. Frogs) 55:12**

Which are those?

**Lieutenant Ben Goodin (Police) 55:13**

I don't remember specifically, but I know there have been fights in there.

**Attorney John Miller Carroll (Mr. Frogs) 55:17**

But the incidents in the complaint refer to incidents that occurred outside the bar.

**Lieutenant Ben Goodin (Police) 55:22**

Some of them do, yeah.

**Attorney John Miller Carroll (Mr. Frogs) 55:23**

And you don't know whether those people were in other establishments before these fights took place.

**Lieutenant Ben Goodin (Police) 55:30**

Correct.

**Attorney John Miller Carroll (Mr. Frogs) 55:30**

Were you aware that there were motions to reopen the default judgments that were entered against the licensee holder and the bartender?

**Lieutenant Ben Goodin (Police) 55:42**

Regarding which incident?

**Attorney John Miller Carroll (Mr. Frogs) 55:44**

Regarding the two, the two city violations, the underage and the after-hours violation.

**Lieutenant Ben Goodin (Police) 55:50**

No, I was not aware of that.

**Attorney John Miller Carroll (Mr. Frogs) 55:57**

I have no further questions, Your Honor.

**Aldersperson Chris Croatt (District 14) 56:00**

Okay, thank you. Attorney Buruin, would you have any additional questions of the of your witness?

**Zak Buruin (Assistant City Attorney) 56:11**

Just a couple follow up. The supplementary reports, the judgment of convictions, the records that are part of the record here today as well—those are completed in closer proximity to the time of the events than what it is we're dealing with here today, correct?

**Lieutenant Ben Goodin (Police) 56:40**

I don't think I understand the question.

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**Zak Buruin (Assistant City Attorney) 56:42**

Bad question. Police reports—they're completed shortly after the investigation, or along with the investigation, is that right?

**Lieutenant Ben Goodin (Police) 56:50**

Yes.

**Zak Buruin (Assistant City Attorney) 56:51**

So those would be completed shortly after the incidents that we're talking about.

**Lieutenant Ben Goodin (Police) 56:57**

Correct.

**Zak Buruin (Assistant City Attorney) 56:58**

So, the investigating officers are putting that stuff down while it's fresh.

**Lieutenant Ben Goodin (Police) 57:02**

Yes.

**Zak Buruin (Assistant City Attorney) 57:03**

And those are the reports that are attached to the agenda as part of the supplementary packet for this hearing matter today, is that right?

**Lieutenant Ben Goodin (Police) 57:16**

Yes.

**Zak Buruin (Assistant City Attorney) 57:20**

Um, you don't assess demerit points. You write citations. Is that correct?

**Lieutenant Ben Goodin (Police) 57:26**

Correct.

**Zak Buruin (Assistant City Attorney) 57:27**

Okay. The allegations contained within this complaint, is that all of the incidents that have occurred at Mr. Frogs over the past 12 months?

**Lieutenant Ben Goodin (Police) 57:42**

No.

**Zak Buruin (Assistant City Attorney) 57:49**

Based on your experience as a police officer in dealing with licensed bars, do incidents that begin or fueled inside of a particular establishment, necessarily remain within that particular establishment?

**Lieutenant Ben Goodin (Police) 58:05**

Not always.

**Zak Buruin (Assistant City Attorney) 58:07**

In your professional opinion, is it a good idea to wait until weapons related violence occurs within an establishment to hold it accountable?

**Lieutenant Ben Goodin (Police) 58:31**

No, that's way too late.

**Zak Buruin (Assistant City Attorney) 58:35**

Attorney Carroll asked you a little bit about the records of your follow up conversations with, in particular, Miss—with Miss Alvarado, and asked you what other kinds of steps you took. Those aren't things you're required [microphone cuts out]

**Lieutenant Ben Goodin (Police) 58:53**

No.

**Zak Buruin (Assistant City Attorney) 58:53**

Why did you do them?

**Lieutenant Ben Goodin (Police) 58:55**

Because I'm trying to help her succeed and have a successful business. I knew that after my first conversation, she mentioned she had never ran a bar before. So, I wanted to offer her as much advice as I could to help her out.

**Zak Buruin (Assistant City Attorney) 59:07**

Is it fair to say that the city is safer when the [His microphone cuts out.] Ms. Alvarado is [microphone cuts out] safely?

**Lieutenant Ben Goodin (Police) 59:28**

Yes.

**Zak Buruin (Assistant City Attorney) 59:32**

That's all that I have. Thank you.

**Aldersperson Chris Croatt (District 14) 59:34**

Okay, thank you. At this point, I will open it up for committee questions, if there are any, of the witness. Alder Van Zeeland, we'll start with you.

**Aldersperson Katie Van Zeeland (District 5) 59:47**

Thank you, Chair. Lieutenant Goodin, and in any of the situations you've witnessed that you've responded to as an officer, have you noted that the persons you're dealing with are over served. Or is it—is there just—I'll just leave it at that. Are they over served?

**Lieutenant Ben Goodin (Police) 1:00:13**

There's no incidents that I can recall from memory that we have, like, a documented over-serving situation. Those—just kind of a general awareness, those are sometimes challenging to investigate, because you don't know where all the person may have been drinking from, and they can't really give a good statement if they're that inebriated. But I would say, no, I don't have any record of that.

**Aldersperson Katie Van Zeeland (District 5) 1:00:32**

Okay. And have—in your work on the avenue, have you worked with other establishments that have responded to warnings or citations have—where they've been able to curb bad behavior? And if so, I'll—why don't I just leave the first question for you?

**Lieutenant Ben Goodin (Police) 1:00:57**

Sure.

**Aldersperson Katie Van Zeeland (District 5) 1:00:58**

Is that is that something that you've witnessed before? When somebody receives a demerit because of something that's going on, are there ways to correct that behavior?

**Lieutenant Ben Goodin (Police) 1:01:08**

Yeah, I've had a few places reach out to me asking to receive a training to help with, you know, education of staff on just all things, you know, about running an alcohol licensed establishment. I've also had some businesses reach out to me even before they start and want me to go through an in-person training. I've had other businesses where I've had an issue come up. I try to talk to them. They immediately pull video and are very, very good to work with. And you know that helps prove that they didn't do something wrong despite the allegation. So, it's happened several times, yeah.

**Aldersperson Katie Van Zeeland (District 5) 1:01:45**

And—so has—have you seen the warnings or citations or demerits lessen any issues or increase cooperation with this particular establishment?

**Lieutenant Ben Goodin (Police) 1:02:02**

Are you—I'm kind of confused? Are you asking about Mr. Frogs and specifically, or?

**Aldersperson Katie Van Zeeland (District 5) 1:02:05**

Yes. Yes.

**Lieutenant Ben Goodin (Police) 1:02:05**

Can you phrase that one more time?

**Aldersperson Katie Van Zeeland (District 5) 1:02:06**

With the interventions, you know, the ongoing discussions, demerit points, have you seen—you know, typically, you would see a reduction in behaviors when you're working together. Has that been something you've seen with this establishment?

**Lieutenant Ben Goodin (Police) 1:02:27**

No.

**Aldersperson Katie Van Zeeland (District 5) 1:02:27**

Okay, thank you.

**Aldersperson Chris Croatt (District 14) 1:02:30**

Okay, any other questions for the witness? If not—oh, Alder Hartzheim, go ahead.

**Aldersperson Sheri Hartzheim (District 13) 1:02:37**

Thank you. Lieutenant Goodin, you mentioned earlier in some of your testimony that you were trying to familiarize yourself with where the video cameras are within this establishment. Were you able to make note of where they were and you would be able to say where they are? I'm not asking you to say that, but you are clear on that?

**Lieutenant Ben Goodin (Police) 1:02:57**

Yeah. Miss Alvarado was very cooperative. I think it was one of our earlier conversations, when we were discussing the camera situation, she had told me where the angles were positioned and what parts of the inside you could see.

**Aldersperson Sheri Hartzheim (District 13) 1:03:10**

Thank you. And in—from your knowledge of all the police reports and the activity in these cases that are listed in the complaint, what would you roughly guess would be the percentage of time at which Appleton Police Department personnel have received footage from Miss Alvarez—or Alvarado. Sorry.

**Lieutenant Ben Goodin (Police) 1:03:37**

I would hesitate to put a number on it. I'm not intimately enough familiar with exact examples. I just know that anytime there's a licensed premise incident that occurs, guys will usually come and tell me about it. And I just can recall a few times officers had mentioned having difficulty getting the video, but I don't want to quantify and be way off base.

**Aldersperson Sheri Hartzheim (District 13) 1:04:00**

Okay. Thank you.

**Aldersperson Chris Croatt (District 14) 1:04:03**

Okay. Any other questions from committee members? Alder Fenton, go ahead.

**Aldersperson Denise Fenton (District 6) 1:04:08**

Thank you, chair. So, Lieutenant Goodin, I'm specifically—I know that that council had asked you if there was any proof that any of the fights had actually taken place within the bar. But I'm looking at the report from the incident of March, 3, 2025, and it says that—and I understand that you were not the reporting officer on this. But it says that a the bartender at the time had said "she informed the officers that the disturbance had taken place outside of the bar and was heard telling patrons inside the bar to tell the officers that the entire disturbance had taken place outside so that it could not be used against Frogs." But then in the next sentence, it says, "Officers confronted Tierrablanca about the bar remaining open after hours. She then explained that the disturbance had started inside the bar." So, do you—in your professional judgment, reading that report, do you take that as indicating that a fight had taken place within the premises?

**Lieutenant Ben Goodin (Police) 1:05:25**

Yes.

**Aldersperson Denise Fenton (District 6) 1:05:26**

Thank you.

**Aldersperson Chris Croatt (District 14) 1:05:27**

Okay. Thank you. Any other questions from committee members? Not seeing any. Attorney Carroll, anything additional for this witness?

**Attorney John Miller Carroll (Mr. Frogs) 1:05:36**

Yes.

**Alderson Chris Croatt (District 14) 1:05:36**

I'll give you one chance.

**Attorney John Miller Carroll (Mr. Frogs) 1:05:38**

Yeah, the bartender, Tierrablanca, was fired, correct?

**Lieutenant Ben Goodin (Police) 1:05:43**

I don't have knowledge of that.

**Attorney John Miller Carroll (Mr. Frogs) 1:05:46**

Nothing further.

**Alderson Chris Croatt (District 14) 1:05:47**

Okay. Thank you, Lieutenant Goodin. Attorney Buruin, do you have any other witnesses to call?

**Zak Buruin (Assistant City Attorney) 1:05:55**

No additional witnesses. I'll rely on the written record and the opportunity for a closing statement when Attorney Carroll is done with this presentation.

**Alderson Chris Croatt (District 14) 1:06:03**

Okay, Attorney Carroll, I'll turn it over to you for your presentation and calling of any witnesses on your side.

**Attorney John Miller Carroll (Mr. Frogs) 1:06:09**

I just briefly would call Miss Alvarado.

**Alderson Chris Croatt (District 14) 1:06:13**

Okay, Miss Alvarado, your microphone is on. You do need to be sworn in. So, if you could please stand and raise your right hand.

**City Clerk Amy Molitor 1:06:23**

Could you state your full name and then spell your last.

**Vanessa Alvarado (Mr. Frogs - Owner) 1:06:25**

Vanessa Alvarado, A L V A R A D O.

**City Clerk Amy Molitor 1:06:30**

Do you solemnly swear that the testimony you shall give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:06:36**

Yes.

**Attorney John Miller Carroll (Mr. Frogs) 1:06:39**

Miss Alvarado, I just have a couple questions for you. What steps have you taken to prevent some of the problems that have occurred at the bar since it opened? Just let's begin the first step that you took.

**Vanessa Alvarado (Mr. Frogs - Owner) 1:06:55**

When we had the issue with the underage, we put like a mini wall next to the door, the entrance, so that you can't sneak in. The security was switching when the girl came in, which left the door unattended. So, we've got bouncers at the doors at all times. I have them lock the door if, for whatever reason, they can't keep somebody there while switching. I have hired extra security.

**Vanessa Alvarado (Mr. Frogs - Owner) 1:07:11**

Okay. Let me just ask you this, where are the police normally located on a Friday or Saturday night in relation to the front of your bar?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:07:39**

They're pretty close.

**Attorney John Miller Carroll (Mr. Frogs) 1:07:41**

Like, they're usually right in front of the bar. Is that correct?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:07:47**

Usually.

**Attorney John Miller Carroll (Mr. Frogs) 1:07:47**

So, there's no need to really summons them because they're there, right?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:07:52**

Yes.

**Attorney John Miller Carroll (Mr. Frogs) 1:07:54**

is that true?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:07:55**

Yeah.

**Attorney John Miller Carroll (Mr. Frogs) 1:07:55**

Okay. Is there any reason why you wouldn't want to summon the police to your bar to assist?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:08:07**

They're already there half the time. They're already kind of waiting for something to happen. I feel like they're on top of what's going on at all times in front of us.

**Attorney John Miller Carroll (Mr. Frogs) 1:08:18**

Let me ask you about—the complaint mentions one of your former employees, Miss Tierrablanca. What was her job at the establishment?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:08:30**

She was one of the bartenders.

**Attorney John Miller Carroll (Mr. Frogs) 1:08:32**

Okay. And does she still work for you?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:08:34**

No.

**Attorney John Miller Carroll (Mr. Frogs) 1:08:35**

And why doesn't she work for you?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:08:37**

She's problematic.

**Attorney John Miller Carroll (Mr. Frogs) 1:08:41**

So, you took steps to get rid of her. Is that correct?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:08:45**

Yes.

**Attorney John Miller Carroll (Mr. Frogs) 1:08:45**

And did you replace her with someone?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:08:49**

I've got new hires, but employees are hard to find.

**Attorney John Miller Carroll (Mr. Frogs) 1:08:55**

Has anyone approached you with a potential resolution of this matter that would be less severe than outright revocation such as suspension or a conditional renewal?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:09:08**

No, I, I applied for the renewal for the license a couple months ago. Yeah, May-ish, June. I didn't get anything. And I mean, I feel like when something happens, I try to fix it, or do what I can to fix it.

**Attorney John Miller Carroll (Mr. Frogs) 1:09:31**

Okay, that's all the questions I have here.

**Aldersperson Chris Croatt (District 14) 1:09:33**

Okay, thank you. Attorney Buruin, any questions for the witness?

**Zak Buruin (Assistant City Attorney) 1:09:36**

Just a couple. Miss Alvarado, do you recall speaking with Lieutenant Goodin prior to Mr. Frogs opening?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:09:42**

Yes.

**Zak Buruin (Assistant City Attorney) 1:09:43**

And you heard what he said he discussed with you, right?

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**Vanessa Alvarado (Mr. Frogs - Owner) 1:09:46**

Yes.

**Zak Buruin (Assistant City Attorney) 1:09:47**

Does that correspond with your memory of the conversation?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:09:52**

Yes, I do remember him going over tips with me.

**Zak Buruin (Assistant City Attorney) 1:09:55**

Do you remember talking with him about the demerit point system?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:09:59**

We covered it. It's not easy to understand all the time.

**Zak Buruin (Assistant City Attorney) 1:10:05**

But you remember him talking with you about it?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:10:07**

Yes.

**Zak Buruin (Assistant City Attorney) 1:10:11**

The other conversations he mentioned having with you over the course of the past several months, do you recall those conversations as well? Or having those conversations, I should say?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:10:22**

I remember speaking with Lieutenant Goodin. I can't tell you exactly what we talked about without a refresher.

**Zak Buruin (Assistant City Attorney) 1:10:29**

Fair enough. But there were additional conversations between the two of you?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:10:35**

Feel for sure at least one.

**Zak Buruin (Assistant City Attorney) 1:11:00**

The complaint and summons, do you recall when you received that?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:11:09**

Last week.

**Zak Buruin (Assistant City Attorney) 1:11:10**

Do you remember what day last week?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:11:12**

20th?

**Zak Buruin (Assistant City Attorney) 1:11:13**

I'm sorry?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:11:13**  
The 20th maybe.

**Zak Buruin (Assistant City Attorney) 1:11:14**  
Do you recall what day of the week it was?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:11:24**  
No.

**Zak Buruin (Assistant City Attorney) 1:11:25**  
If I told you the Affidavit of Service indicated it was served to you on the 19th, which would be last Tuesday, does that sound correct?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:11:42**  
I don't remember what day of the week it was last week.

**Zak Buruin (Assistant City Attorney) 1:11:44**  
But does that sound correct?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:12:01**  
I guess so.

**Zak Buruin (Assistant City Attorney) 1:12:04**  
I don't have any further questions.

**Aldersperson Chris Croatt (District 14) 1:12:04**  
Okay. Thank you. Questions from committee members for the witness. Alder Van Zeeland.

**Aldersperson Katie Van Zeeland (District 5) 1:12:09**  
Thank you, Chair. Miss Alvarado, why did staff or management delay or not provide surveillance footage to the police department when they requested it in regard to incidents?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:12:22**  
So sometimes they ask me for footage that shows like the sidewalk. I don't have any. The camera is a Ring camera that faces the door, and it kind of tapes whatever it feels like when it thinks it senses movement. So, I don't always have video to provide them. Not great at downloading it, either. So sometimes I have to get my kid to help me, and they kind of do that whenever they feel like it. So that's—usually the biggest struggle I have, is if I do have video covered of it, I can't download it. I don't know how.

**Aldersperson Katie Van Zeeland (District 5) 1:12:59**  
Okay. Thank you.

**Aldersperson Chris Croatt (District 14) 1:13:00**  
Alder Fenton.

**Alderson Denise Fenton (District 6) 1:13:02**

Thank you, Chair. Ms. Alvarado, do you recall receiving notices in January of this year and in May of this year requiring you to appear before this committee to address demerit points that were assigned as a result of violations in prior in prior months?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:13:26**

The one I received I got after the fact from the mailbox. So, I missed it.

**Alderson Denise Fenton (District 6) 1:13:36**

So do you remember when that was. Was—what time of year that was?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:13:41**

I don't.

**Alderson Denise Fenton (District 6) 1:13:42**

Okay. Did you make any effort to contact the City Clerk's Office to discuss appearing at a different time to address—

**Vanessa Alvarado (Mr. Frogs - Owner) 1:13:51**

I called—

**Alderson Denise Fenton (District 6) 1:13:52**

those demerit points?

**Vanessa Alvarado (Mr. Frogs - Owner) 1:13:53**

—and I was told the letter would be sent out again, to wait for it.

**Alderson Denise Fenton (District 6) 1:13:59**

Okay. So, you're maintaining that you got one letter, but not a second letter. Did you appear before this committee either time as a result of those violations? Okay, thank you.

**[While Alderson Fenton was asking her question, Ms. Alvarado stated, "I haven't been here before. No."]**

**Alderson Chris Croatt (District 14) 1:14:10**

Okay, other questions from committee members? Not seeing any. Okay, Mr. Carroll, any final questions for your witness?

**Attorney John Miller Carroll (Mr. Frogs) 1:14:19**

No.

**Alderson Chris Croatt (District 14) 1:14:20**

Okay. Mr. Buruin?

**Zak Buruin (Assistant City Attorney) 1:14:25**

No.

**Alderson Chris Croatt (District 14) 1:14:26**

Okay, all right. Miss—Attorney Carroll, do you have any other witnesses to call?

**Attorney John Miller Carroll (Mr. Frogs) 1:14:33**

We do not.

**Aldersperson Chris Croatt (District 14) 1:14:34**

Okay. All right. All right.

**Attorney John Miller Carroll (Mr. Frogs) 1:14:41**

Give an opportunity to allow each side to give a little closing—

**Aldersperson Chris Croatt (District 14) 1:14:43**

Closing statement? Okay, all right. We'll start with Attorney Carroll, if you'd like to give a closing statement.

**Attorney John Miller Carroll (Mr. Frogs) 1:14:54**

Doesn't the city have the burden of proof here? Yeah, so I would think they would go to first under the rules of order.

**Attorney Christopher Behrens 1:15:01**

Accurate. Typically.

**Aldersperson Chris Croatt (District 14) 1:15:03**

Okay, Attorney Buruin, would you please go first? I'm sorry. I—

**Zak Buruin (Assistant City Attorney) 1:15:08**

Not a problem.

**Aldersperson Chris Croatt (District 14) 1:15:08**

—didn't remember that

**Zak Buruin (Assistant City Attorney) 1:15:13**

There's a fair amount of ground to cover here. And again, I don't want to get too repetitive with regards to the information that's been provided and documented in the record here, the written record in particular. There's a few things that I want to make sure that I draw, because they were kind of alluded to by some of Attorney Carroll's questions. So, I want to talk about a couple of these incidents in particular. And I want to start with that September 14 incident. And this is noted on page two of the complaint.

**Zak Buruin (Assistant City Attorney) 1:15:45**

The questions from Attorney Carroll and the characterizations of it is that it was all outside and that it was in the St Joe's parking lot, when, in reality, that is, one, not necessarily relevant, but to the extent it is relevant, it's not really true. Because if we look at what actually happened here is we see that this very clearly spilled out from that business, and we see this from the information provided by Lieutenant Botz, because the whole reason that officers were there so quickly—this is reading from the complaint, which, again, is taken from the reports—Lieutenant Botz is outside the establishment, and he notes basically the music goes dead suspiciously inside of Mister Frogs, so that prompts him to enter. And then he observes a disturbance in the crowd that is spilling out into the back alley, which is where other officers end up encountering it. It spills out into the back alley from there and then further on to Saint Joe's.

**Zak Buruin (Assistant City Attorney) 1:16:44**

So, this isn't about Mr. Cerda, necessarily, and the specific violations that he occurred, which were numerous. This is about the fact that Mister Frogs failed to maintain order in their establishment, and they did not, as we see through a number of other instances and patterns here—did not do what they—did not do what they needed to do in order to actually maximize their ability to maintain order.

**Zak Buruin (Assistant City Attorney) 1:17:13**

Looking at the November 8 incident, I think it's worth pointing out here that the whole reason Lieutenant Goodin was alerted to this particular issue is because one bar—and this is the underage drinking or that the underage person on premises—one bar took it upon themselves to not only properly card this individual, which she was not able to provide a valid ID, which is why she got turned away in the first place, and why the bartender, or why the bouncer flagged down Lieutenant Goodin. But this person was then turned away by another bar, and it's only when this person got to Mr. Frogs that she was able to make entry. Now whether she provided a fake ID, which is what Attorney Carroll seems to be insinuating as a possibility, ultimately, she didn't have an ID on her, which is part of why she should not have been in there in the first place. I should say she didn't have a fake ID on her, at the very least. And she was determined to be 20 years old. So, she had no business being there in the first place.

**Zak Buruin (Assistant City Attorney) 1:18:28**

Two bars before that were able to properly recognize the situation, protect themselves, protect this—the citizens of Appleton, and frankly, protect that would-be underage patron. They did it. Mister Frogs did not. If two other bars were able to do it like that, they should have been able to as well.

**Zak Buruin (Assistant City Attorney) 1:18:48**

I want to look at the March 3 incident. And this is both the open after hours and then the fight that Attorney Carroll pointed out occurred outside, and there was some back and forth about that. The fact of the matter is, the indications are that the physical aspects of that fight did occur outside. But if we actually look at what happened, we have, of course, an employee of the bar who's giving inconsistent information about oh the disturbance occurred outside, so it's not mister frogs. Oh, but the reason she didn't kick everybody out is because there was a disturbance in there that prevented me from doing that. So, we're getting talking out of both sides of the mouth.

**Zak Buruin (Assistant City Attorney) 1:19:33**

But more to the point, what we have is that after bar time, after close time, people coming out and fighting physically, and then that bartender lets them back in, and then they're in there, and then they come back out, and there's more fighting. And then as police are responding, they're back in again. So, the fighting occurred outside physically, sure, but it is directly the result of the failure of Mister Frogs to maintain order, to properly supervise their establishment, to properly exercise their duties.

**Zak Buruin (Assistant City Attorney) 1:20:16**

I'm not going to go into a whole great deal of detail on all of these, but we see this pattern throughout everything and the last—I'll cover the demerit point one specifically, because there's only one more. On May 18, we've got a bouncer who's trying to get into a fight with somebody else and threatening somebody, "They better have a switch," a firearm, essentially, that fires as an automatic. While there's an officer in the bar, investigating something else that was already going on, he's flying off the handle at somebody outside of the bar, causing a disturbance there, threatening violence. "Meet me out back." Let's go fight in the alley, basically.

**Zak Buruin (Assistant City Attorney) 1:21:03**

265 demerit points is what is attributable to the incidents contained within the complaint. Frankly, at least that. There probably could be some demerit points attributed to some of the other things that are not necessarily contained within that section. But no fewer than 265. And those are, again, accumulated within less than 12 months. So, we're not talking about something that's close and maybe something on the edge or somebody who is trying to turn the ship around and, you know, it's not working.

**Zak Buruin (Assistant City Attorney) 1:21:34**

We've got no appearances for the numeric points issues, and we've got 65 points beyond the three year threshold. And the code says 200 points is a revocation. It doesn't say 200 points and maybe you're revoked, maybe you come up with some other kind of, you know, other way to deal with it. 200 points in three years is a revocation. And this is 200 points in less than a year.

**Zak Buruin (Assistant City Attorney) 1:22:05**

I'll speak to a couple of generalities regarding the riotous house. Not going to go into a great amount of detail on individual incidents here, but I want to point out some of the—some of these patterns. And throughout tho—throughout those incidents, and frankly, throughout all of the incidents, I think it's pretty clear that there's an inconsistent response time, willingness, ability, depends how you characterize it, but ultimately it has the same effect, in terms of the level of cooperation with allowing APD to impose some level of accountability. Because Mr. Frogs isn't doing it. I think what we see here is that basically, unless you destroy something that belongs to Mr. Frogs, the worst you're going to get is told to leave or physically removed. That seems to be the worst of what happens here. And I know they say they don't need to call the police because the police are already there. Well, that's not true, because there's a number of incidents in here that they end up tossing people out because of violence occurring inside the establishment that police don't hear about 'til hours later because somebody else reports it, whether it's a participant, a victim, a bystander. So that doesn't hold any water.

**Zak Buruin (Assistant City Attorney) 1:23:24**

The summary—the sum total of what we have here (and I think this is born out in terms of words, and more importantly, in terms of deeds) is an effort at plausible deniability over safety. As long as we can push the problem out on the College Avenue physically and wash our hands of it, it's not our problem. That's the mentality that seems to be on display. It was flat out verbalized by a staff member. And I know they say that staff member's been fired—probably long overdue. But the actions still bear it out. And we've heard that even here today. Oh, it happened out in the parking lot behind saint or by Saint Joe's. That's not Mister Frogs problem. Yeah, it is. If it happens because you're not doing what you're supposed to, you're not serving responsibly—and frankly, I think Lieutenant Goodin pretty charitable in the way he talked about one of the reasons they don't go into over service investigations. I think it was a pretty charitable explanation in terms of in terms of being kind to the establishment here, because it doesn't matter if one or more businesses over serve. If they're all over serving, that's a problem. And if they are over served by the time they come to Mister Frogs, and they still get served there, Mister Frogs is still part of the problem. So, I think he was pretty charitable about that.

**Zak Buruin (Assistant City Attorney) 1:25:00**

I think what we saw is an effort by Lieutenant Goodin and the Appleton police department to make sure that they have the tools they needed to be successful, to make sure that things are safe. That makes their job easier, that makes Appleton safer, which is ultimately what they're looking at, and the things that we're looking at in terms of whether or not this is a riotous house. Looking to page 21, the things we're looking at are threats to health, safety, and welfare of customers and member of the general public. Those are the exact kinds of things

that the licensing authority that is vested in the city are intended to address. That's why you have the power to grant, suspend, or revoke licenses—to address those things.

**Zak Buruin (Assistant City Attorney) 1:25:49**

And what we have is and now 12 months approximate—less than 12 months still—significant pattern of violence and disorder originating out of this establishment. Sure, not all of it happened directly in, but if we look at everything that we're talking about in here, there's a clear indication that this is where it started. It starts in and comes outside because that's where they push it. So, it's not their problem. It's not even just APDs problem, because it's APDs problem, whether it occurs outside or inside, but it's the problem of anybody walking by. They don't even have any interest in going to Mister Frogs. They're walking by, and they get stuck in the middle of this kind of stuff because they're just trying to go about their business.

**Zak Buruin (Assistant City Attorney) 1:26:58**

It is clear, based on the record, the investigations, the reports, and the information that we have that this atmosphere attracts people willing to or seeking to engage in violent, illicit, or disorderly conduct. And that is a threat to the safety of the people of Appleton. That is why the demerit point system is put in place. That is also why the statutes allow for revocation based on the determination that this is a riotous—riotous or disorderly house.

**Zak Buruin (Assistant City Attorney) 1:27:38**

There's no question that the that the demerit points criteria has been met and the city code has adopted under the relevant state statutes, demands revocation of the license, and while the definition of a riotous house is a bit more nebulous, I think the fact that we have double the violations in less than half the time of something that the federal court has already determined is more than sufficient, I think is pretty indicative of the fact that what we have here is a riotous or disorderly house. It is a danger to the city of Appleton, the health and welfare of the public and the general health and welfare of the city of Appleton. And for those individual reasons, for both the demerit point reasons and the statutory reasons regarding a riotous house, both independently provide a basis for the committee and the council to revoke the granted alcohol licenses, and in the case of the demerit points, it is required to do so under code and in the court with respect to the statutory obligation—or the statutory requirements, the committee and the council are permitted to do so. And based on what we've seen here, the committee and council should absolutely size that authority and revoke the licenses for both reasons. But, again, either one is sufficient, but both reasons are certainly satisfied today. That's all.

**Alderman Chris Croatt (District 14) 1:29:07**

Okay. Thank you. Attorney Buruin. Attorney Carroll, your closing statement.

**Attorney John Miller Carroll (Mr. Frogs) 1:29:14**

On behalf of Miss Alvarado, she would thank the city for their efforts to educate her as to how she's supposed to run the bar. She's a single mother who's inexperienced with running a bar. Some of the things that I'm hearing to—it's obvious that [...] customers of the bar, and that seems to be the overriding concern. They park literally directly in front of the bar at all times if the—if any of you have ever seen it. I guess the idea that you are supposed to let people fight in the bar and then call the police rather than throwing them out, that just seems absurd to me. If people are fighting in a bar, you want to separate them, or at least so that they can't continue fighting. So, it's—they're kind of second guessing something they know probably nothing about. But you know, it would have been nice to actually subpoena people that were interviewed by the police who saw what happened, so they could actually tell you what happened, but we weren't able to do that.

**Attorney John Miller Carroll (Mr. Frogs) 1:30:23**

From what I've heard today, the one minor that entered the premises wasn't served, and he let her walk in there. If he knew she was a minor, he should have said "You can't go in there." The one bartender that was deceptive with police was fired. The problem with the points exists, but most of the points aren't related to the licensee. They're attributed to third parties. She made a mistake by not appearing in January, and I think it was May, was the second one, and we were—I wasn't aware that she had been notified of that. But I think that the remedy that the city is seeking—and the riotous house, the case law on that, the federal case law, it's—it doesn't rise to that level. That's where we're talking about immediate danger, shootings, very dangerous activity in cities. I don't believe it rises to that level. Although it does talk about safety, we haven't had any testimony here that anyone was even injured in any of these incidents. So, I don't think it rises to that level. So, I'm asking you to consider just allowing, like, a less severe sanction here, or potentially a suspension, but not a revocation of this license. And that's all we have tonight.

**Aldersperson Chris Croatt (District 14) 1:31:59**

Okay. Thank you, Attorney Carroll. All right, back to the committee. We've had witnesses called, questioning, evidence presented, closing statements. We do have posted on our agenda a closed session to deliberate. What is the purview of this committee? Alder Van Zeeland.

**Aldersperson Katie Van Zeeland (District 5) 1:32:22**

Thank you, Chair. I'll move to go into closed session pursuant to state statute 19.85(1)(a) for the purpose of deliberating the revocation of an alcohol license.

**Aldersperson Brad Firkus (District 3) 1:32:32**

Second.

**Aldersperson Chris Croatt (District 14) 1:32:33**

Okay. We have a motion and a second to go into closed session to deliberate. We will take a roll call vote. Clerk Molitor, can you take roll? I'm sorry, which—which number? Nine. I'm sorry I have that written down somewhere here.

**City Clerk Amy Molitor 1:32:49**

Does it matter what order I go in?

**Aldersperson Chris Croatt (District 14) 1:32:51**

Just call on us.

**City Clerk Amy Molitor 1:32:54**

Aldersperson Firkus.

**Aldersperson Brad Firkus (District 3) 1:32:56**

Aye.

**City Clerk Amy Molitor 1:32:56**

Aldersperson Hartzheim.

**Aldersperson Sheri Hartzheim (District 13) 1:32:58**

Aye.

**City Clerk Amy Molitor** 1:32:59  
Aldersperson Croatt.

**Aldersperson Chris Croatt (District 14)** 1:33:00  
Aye.

**City Clerk Amy Molitor** 1:33:01  
Aldersperson Fenton.

**Aldersperson Denise Fenton (District 6)** 1:33:02  
Aye.

**City Clerk Amy Molitor** 1:33:03  
Aldersperson Van Zeeland.

**Aldersperson Katie Van Zeeland (District 5)** 1:33:04  
Aye.

**Aldersperson Chris Croatt (District 14)** 1:33:05  
Thank you. We are now going into closed session. Give us a minute. They need to...

**Attorney Christopher Behrens** 1:33:10  
They—they can stay. What I'm going to suggest, chair. It might be easier with the group of five of you, if we go—can somebody open the—oh, they close it because we're in closed session. That's fine. We're going to move the closed session to the clerk's conference room if that's acceptable. Easier to move five. I'm going to remain available. If you have procedural questions, you can invite me in.

**Aldersperson Chris Croatt (District 14)** 1:33:36  
Okay.

**Attorney Christopher Behrens** 1:33:36  
But—

**Aldersperson Chris Croatt (District 14)** 1:33:37  
Okay.

**Attorney Christopher Behrens** 1:33:38  
—it's an opportunity for the five of you to deliberate then.

**Aldersperson Chris Croatt (District 14)** 1:33:41  
Okay, all right, thank you. Turn these off.

**[They went into closed session at 7:02PM and reconvened into open session at 7:21PM]**

**Aldersperson Chris Croatt (District 14)** 1:33:57  
Okay, are all the microphones on down there? Okay, we are back in open session. For the clerk, we did rise and report out of closed session. The motion was made by Alder Van Zeeland and Alder Fenton, and the vote to

come out of closed session was five zero. Okay, back in open session. All right. Attorney Behrens, do you want to comment on anything? Or are we ready for a motion from the committee?

**Attorney Christopher Behrens 1:34:27**

Chair, if you would like to go through the findings of fact and conclusions of the committee, and then after going through those, I'll assist you with getting through the process for voting.

**Aldersperson Chris Croatt (District 14) 1:34:43**

Okay. And hold on a motion until we go through this?

**Attorney Christopher Behrens 1:34:46**

Yeah.

**Aldersperson Chris Croatt (District 14) 1:34:46**

Okay.

**Attorney Christopher Behrens 1:34:47**

Because one of the motions will be for the committee to vote on whether or not they accept—

**Aldersperson Chris Croatt (District 14) 1:34:52**

Okay.

**Attorney Christopher Behrens 1:34:53**

—those as you presented them.

**Aldersperson Chris Croatt (District 14) 1:34:54**

Okay. Do I need to read this in its entirety, or can I go through highlights, or...?

**Attorney Christopher Behrens 1:35:03**

Just to clarify when the proceeding is over, both parties—I'll make a copy, so both parties will be provided with a full copy. It's at your discretion if you want to read through it in its entirety, or if you want to walk through some of the key points.

**Aldersperson Chris Croatt (District 14) 1:35:20**

Okay, I think I'm going to try to highlight as much as I can without reading the entire document, although if someone wants me to, I certainly will. The document is a findings of fact and conclusions of law document with a recommendation from the committee.

**Attorney Christopher Behrens 1:35:37**

And if I—sorry—and it will also be incorporated into the minutes and made—so therefore made a part of this record—

**Aldersperson Chris Croatt (District 14) 1:35:44**

Right, which will—

**Attorney Christopher Behrens 1:35:45**

—in its entirety.

**Aldersonperson Chris Croatt (District 14)** 1:35:46

And ultimately go to the Common Council.

**Attorney Christopher Behrens** 1:35:48

Yes.

**Aldersonperson Chris Croatt (District 14)** 1:35:49

Okay. So, it is a document that has the complainant listed as Megan Cash from APD and Rivera Restaurants LLC as the respondent. The findings in fact list Rivera Restaurants LLC doing business as Mister Frogs on the Avenue, or otherwise known as Mister Frogs at 409 West College Avenue in Appleton. The licensee was issued a Class B and Class B beer liquor license for the '25-'26 alcohol licensing year. It does list some information about the complaints. Based on the following respective convictions on those incidents, the imposition of 265 demerit points within a 36-month period is confirmed as follows, and there was a 45 demerit points on September 14, 2024, an 80-point demerits on November 8, 2024, 45 points on March 3, 2025, 50 demerit points on March 3, 2025 (same day, different issue), 45 points on May 18, 25 to the get to the total of 265.

**Aldersonperson Chris Croatt (District 14)** 1:37:06

As to count one demerit points, the complaint is found to be true. That's page two, okay. As to count to a disorderly house, the complaint is found to be true, and license premise premises constitutes a disorderly or riotous, indecent, or improper house.

**Aldersonperson Chris Croatt (District 14)** 1:37:24

Moving on to conclusions of law, the safety and licensing committee of the of the Common Council of the City of Appleton has the jurisdiction to conduct this hearing for the suspension and revocation of the alcohol beverage license based on non-compliance with Wisconsin statutes. We are having this hearing tonight. The licensee was served notice of the hearing. We heard that that happened last week, and that's also pursuant to state statute. The safety and licensing committee concludes that the convictions identified above are substantially related to the licensed business of retail sale of alcohol beverages. Pursuant to municipal code, based on the number of demerit points found in paragraph six of this document, the safety licensing committee concludes that the retail lic—alcohol licenses previously granted for—to Rivera restaurants LLC shall be revoked. Pursuant to section 9-81 of the municipal code, the same situation, the findings and the safety licensing committee concludes that the retail alcohol license, licenses previously granted to Rivera restaurants LLC shall be revoked.

**Aldersonperson Chris Croatt (District 14)** 1:38:31

And then lastly, the recommendation is based on the above findings of fact and conclusion of law. The safety and licensing committee recommends that the Common Council the city of Appleton revoke the '25-'26 retail alcohol licenses for Class B beer and Class B liquor issued to Rivera Restaurants LLC for the establishment known as Mister Frogs on the avenue. Okay, Attorney Behrens.

**Attorney Christopher Behrens** 1:38:58

So, you've outlined finding those fact, proposed conclusions of law to—and your proposed recommendation, and you've signed the document, but now the committee needs to vote on those recommendations. So, what would be in order first is a motion as to the recommendation of the committee.

**Aldersonperson Chris Croatt (District 14)** 1:39:19

Okay.

**Alderson Sheri Hartzheim (District 13) 1:39:19**

Motion to approve the recommendation.

**Alderson Denise Fenton (District 6) 1:39:21**

Second.

**Attorney Christopher Behrens 1:39:22**

And if I may, just to clarify what that recommendation is. To be specific, what is the recommendation that you're moving?

**Alderson Sheri Hartzheim (District 13) 1:39:32**

Moving to revoke the license.

**Alderson Denise Fenton (District 6) 1:39:35**

I'll second that.

**Alderson Chris Croatt (District 14) 1:39:35**

So, a motion by Alder Hartzheim to revoke the license of Rivera Restaurants LLC, otherwise known as Mr. Frogs on the Avenue, second by Alder Fenton. Okay, discussion on that motion. Not seeing any. All those in favor of the motion signify by saying aye. All opposed? Any abstentions? Five, zero. Okay. Attorney Behrens?

**Attorney Christopher Behrens 1:40:03**

Okay. Next step then would be a motion to approve the findings of fact, conclusions of law, and recommendation as signed by Alderson Croatt as a report to the council.

**Alderson Denise Fenton (District 6) 1:40:19**

Can I just say so moved? So moved.

**Alderson Sheri Hartzheim (District 13) 1:40:23**

Second.

**Alderson Chris Croatt (District 14) 1:40:25**

So, we have a motion and a second. Is the motion clear enough, Attorney Behrens?

**Alderson Denise Fenton (District 6) 1:40:30**

Or do I need to read that?

**Attorney Christopher Behrens 1:40:33**

As long as the clerk has it then it's clear enough.

**Alderson Chris Croatt (District 14) 1:40:37**

Okay, any discussion on that motion? Not seeing any. All those in favor of that motion signify by saying, aye. Aye. All opposed? Any abstentions? Five zero.

**Attorney Christopher Behrens 1:40:53**

Chair, I will provide both parties with a copy of the findings, etc. right after the meeting. I just need to run off a copy, and then I'll provide those. And then if a party wishes to file an objection to the report with the cl—with

the clerk, they may do so, and then there'll be an opportunity for their objection to be heard at the next council meeting.

**Alderson Chris Croatt (District 14)** 1:41:20

Okay. Sorry, I made a [...] two votes.

**Attorney Christopher Behrens** 1:41:30

That's fine.

**Alderson Chris Croatt (District 14)** 1:41:31

May we proceed with the rest of our agenda?

**Attorney Christopher Behrens** 1:41:38

You may.

**Alderson Chris Croatt (District 14)** 1:41:39

Okay. All right; we took care of all of our action items. So—just so you're clear, the committee took action. That action will go to the full city council a week from tonight. It will be on the agenda as a recommendation to revoke the license for the establishment. You are welcome to attend, and there will be a sign-up sheet if you wish to speak. During public participation, you would be recognized for your opportunity to speak. I recommend coming a little bit early. They start—meetings start at seven. Come at 6:30-6:45, sign up. And then during public participation, the mayor will call you to the podium and you can make your statements.

**Attorney John Miller Carroll (Mr. Frogs)** 1:42:19

I believe we're entitled [His microphone was not turned on and the rest of his statement was not picked up]

**Attorney Christopher Behrens** 1:42:27

You can submit a written objection, and the clerk can include that in the agenda.

**Attorney John Miller Carroll (Mr. Frogs)** 1:42:36

We also want to [Rest of words not picked up by microphone]

**Attorney Christopher Behrens** 1:42:39

There's not a formal transcript. Everything's been recorded. The recording will be available in roughly—yeah, less than 24 hours.

**Attorney John Miller Carroll (Mr. Frogs)** 1:42:49

Okay, so then we can transcribe it ourselves.

**Attorney Christopher Behrens** 1:42:52

Yes.

**Attorney John Miller Carroll (Mr. Frogs)** 1:42:52

Okay, perfect. Thank you.

**Alderson Chris Croatt (District 14)** 1:42:54

Okay, thank you.