



ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE

Beloit City Hall - The Forum
100 State Street, Beloit, WI
May 14, 2013 - 4:00 p.m.

Present: Ralph Berkley, Malissa Cronin, Tina Goecks, John Metter, Ron Tilley, Joseph Vickerman,
Councilor Kevin Leavy (non-voting)
Absent: (1 Vacancy)
Advisory: Captain Vince Sciamè, Deputy City Attorney Elizabeth Krueger

1. The meeting was called to order at 4:00 p.m. by Chairman Ralph Berkley with a quorum present.
2. Consideration of the minutes of the regular meeting of March 12, 2013. Motion to approve by Mr. Tilley, second by Mr. Metter. Motion carried.
3. Consideration of incident April 24, 2013, Police Report 13-3156, at Tex's Grocery, LLC, 1909 St. Lawrence Avenue, Fred Papendorf, Agent, for a sale to an underage person during an alcohol compliance check. Fred Papendorf, owner and Agent, appeared.

Captain Sciamè stated the Police Department conducted alcohol compliance checks on April 24, 2013 and the operative was able to purchase beer at Tex's Grocery. Captain Sciamè explained to Mr. Papendorf that this was his first violation and no action would be taken, however, a second violation within a twelve month period could result in sanctions on his license. Mr. Papendorf stated he understood. Mr. Papendorf said that he calls the police for an underage person trying to purchase alcohol or cigarettes and confiscates the license, and he would like the underage person to be charged. Captain Sciamè and members of the committee commended Mr. Papendorf for his good record.

4. Consideration of a Change of Agent for The Cheese People of Beloit, 431 East Grand Avenue, to Jill DeLisle Smith for the current license period. Proposed Agent, Jill DeLisle Smith, appeared.

Captain Sciamè stated he checked municipal and state criminal records and to the best of his knowledge with the available information, the character, record, and reputation of the Agent are satisfactory and the Police Department has no objection to this appointment.

Attorney Krueger asked Ms. DeLisle Smith to reaffirm that she understood she is responsible for all alcohol violations that may occur on the premise whether she is present or not. Ms. DeLisle Smith replied she understood.

Mr. Metter moved to recommend approval to the City Council of this Change of Agent, second by Mr. Vickerman. Motion carried 6-0.

5. Consideration for a Change of Agent for Domenico Pizza & Restaurant, Inc., 547 East Grand Avenue, to Nathan D. Lipps for license period beginning July 1, 2013. Proposed Agent, Nathan Lipps, appeared. Captain Sciamè stated he checked municipal and state criminal records and to the best of his knowledge with the available information, the character, record, and reputation of the Agent are satisfactory.

However, Mr. Lipps needed to show proof of Wisconsin residency for the required 90 days as he does not have a Wisconsin driver's license. Captain Sciame asked Mr. Lipps if he could submit proof of residency to the Clerk's Office and be at the June 11th ABLCC meeting, and Mr. Lipps responded that he could.

Mr. Vickerman moved to lay over this Change of Agent until the June 11th meeting, second by Mr. Metter. Motion carried.

6. Consideration of a Change of Agent for La Casa Grande, 618 Fourth Street, to Andrew Boros-Kazei for license period beginning July 1, 2013. Proposed Agent, Andrew Boros-Kazei, appeared.

Captain Sciame stated he checked municipal and state criminal records and to the best of his knowledge with the available information, the character, record, and reputation of the Agent are satisfactory and the Police Department has no objection to this appointment.

Attorney Krueger asked Mr. Boros-Kazei to reaffirm that he understood he is responsible for all alcohol violations that may occur on the premise whether he is present or not. Mr. Boros-Kazei replied he understood.

Mr. Tilley moved to recommend approval to the City Council of this Change of Agent, second by Mr. Vickerman. Motion carried 6-0.

7. Consideration of Change of Agent for Rockford Pizza, LLC, d/b/a Pizza Hut, 2787 Prairie Avenue to Juan Mendoza-Ochoa for license period beginning July 1, 2013. Proposed Agent, Juan Mendoza-Ochoa, appeared.

Captain Sciame stated he checked municipal and state criminal records and to the best of his knowledge with the available information, the character, record, and reputation of the Agent are satisfactory and the Police Department has no objection to this appointment.

Attorney Krueger noted that on the Change of Agent forms, the corporation is listed as Pizza Hut of Southern Wisconsin, Inc. instead of the current license holder of Rockford Pizza, LLC. Attorney Krueger asked Mr. Mendoza-Ochoa to go back to the company to verify under which corporate name they wish to be selling alcohol and have them contact the City Clerk's Office. Mr. Mendoza-Ochoa stated that he would call the corporate office of Pizza Hut about the corporate name for the Beloit restaurant.

Mr. Vickerman moved to lay over this Change of Agent until the June 11th meeting, second by Mr. Tilley. Motion carried.

8. Consideration of a new Class "B" Beer and Reserve "Class B" Liquor License of Hourglass Media, LLC, d/b/a The Castle, 501 Prospect Street for period beginning July 1, 2013. John Wittnebel, Owner/Agent, appeared.

Captain Sciame stated he checked municipal and state criminal records and to the best of his knowledge with the available information, the character, record, and reputation of the Agent are satisfactory and the Police Department has no objection to this appointment.

Attorney Krueger told Mr. Wittnebel that state law requires the applicant to accurately describe the area where alcohol is to be sold, served and stored. She informed Mr. Wittnebel that the application he submitted gave the premise description as 1906 Building and 1951 addition, meaning the entire building, and this description would generally mean that no one under the age of 21 would be allowed in the entire building without a parent. Mr. Wittnebel responded that this was not what he wanted. Attorney Krueger map setting out the areas that alcohol will be sold, served and stored. Mr. Wittnebel explained that he was renovating the former First Presbyterian Church with the intention of having a performing art center, take-out deli, dinner theatre, and dozens of commercial spaces and uses and to make this building a permanent home for their charitable youth group called The Youth Unite. Attorney Krueger suggested Mr. Wittnebel may want to consider hiring an attorney familiar with the laws of liquor licensing, and she further explained that a liquor license cannot be issued to an entity that has more than one business at this location. Mr. Wittnebel stated this project is a work in progress. Attorney Krueger suggested he delay the liquor application until he has a more concrete plan.

Mr. Tilley asked if this building is near a church, and Mr. Wittnebel replied there is a Baptist church next to them. Attorney Krueger stated there must be a majority vote by Council to waive the state law that requires a liquor license not be issued within 300 feet of the main entrance of a church.

Mr. Metter moved to lay this application over to the June 11, 2013 meeting, second by Ms. Cronin. Motion carried.

9. Consideration of a new Class "B" Beer and "Class B" Liquor License for Merrill & Houston's Steak Joint, LLC, 500 Pleasant Street and a new Agent, Jayme Braasch, for the license period beginning July 1, 2013. Proposed new Agent Jayme Braasch appeared.

Captain Sciame stated he checked municipal and state criminal records and to the best of his knowledge with the available information, the character, record, and reputation of the Agent are satisfactory and the Police Department has no objection to this appointment.

Attorney Krueger asked Ms. Braasch to confirm that this is only a change of corporate name and nothing else had changed for the business, and Ms. Braasch responded that was correct. Attorney Krueger asked Ms. Braasch to reaffirm that she understood she is responsible for all alcohol violations that may occur on the premise whether she is present or not. Ms. Braasch replied she understood.

Mr. Metter moved to recommend approval to the City Council of this corporation and Agent, second by Mr. Vickerman. Motion carried 6-0.

10. Consideration of renewal applications and Change of Agents for license period 7/1/13 - 6/30/14. Chairman Berkley stated a vote would be taken separately on Tilley's Pizza house, Inc., d/b/a Club Ballyhoo, 900 Fourth Street with Mr. Tilley abstaining on the vote. Mr. Vickerman moved to recommend approval to the City Council of the renewal license of Club Ballyhoo, second by Mr. Metter. Motion carried 5-0-1.

Chairman Berkley moved approval of the alcohol renewals and new Agents on the attached listing, second by Mr. Tilley. Motion carried 6-0.

11. Citizen Comments: None
12. Committee Comments: Mr. Metter stated he was disturbed by the number of police incident reports for Turtle Tap, 1344 East Grand Avenue; that he moved the Turtle Tap owner be called to the June 11, 2013 meeting to explain these incidents, and Captain Sciame use his discretion as to the incidents that will be considered. Mr. Vickerman seconded, and the motion carried.

Chairman Berkley stated he was concerned with the incident on 4/13/13 at Adiktion, 1310 Cranston Road, when Wisconsin Alcohol and Tobacco Enforcement officers, along with Beloit police officers, inspected Adiktion because of a report that Adiktion was not obtaining their alcohol from a licensed Wisconsin distributor. Adiktion did not have records, as required by state law, to prove they purchased the liquor legally and the ATE officers confiscated 307 bottles of alcohol. Chairman Berkley asked that the Agent and owner be called before this committee on June 11, 2013. Attorney Krueger stated she would check into this matter and find out if ATE issued charges for state violations. She stated that if Adiktion did violate State Statutes or local ordinances, this committee could recommend sanctions. Captain Sciame stated that he received a report that Adiktion now has armed security, and he would like to question the owner about the type of clientele they are seeking that would require armed security. Mr. Vickerman moved the owner and Agent be called before this committee on June 11, 2013, second by Mr. Metter. Motion carried.

Councilor Leavy said he wants to be certain that the decisions the committee and Council make will stand up in court, and he wants this committee to be as aggressive as possible with the businesses called in such as Adiktion and Turtle Tap. Councilor Leavy stated the alcohol compliance operation is successfully getting the message out that sale to minors will not be tolerated.

Mr. Metter asked Captain Sciame how often there is a problem with the police obtaining the video surveillance tapes from a business. Captain Sciame stated this is a common and frustrating problem as usually only one person at the business knows how to operate the video equipment and very often the video camera is not directed at the area for which they need surveillance.

14. Police Department Comments: Captain Sciame reported that on 4/24/13 during the alcohol compliance checks, 21 out of 22 businesses did not sell to the minor police operative. Captain Sciame feels these compliance checks must continue in the future. Rock County Youth 2 Youth will be visiting the 21 businesses that did not sell, and will give each a certificate.

15. Attorney Comments: None

16. At 4:55 PM Mr. Metter moved to adjourn, second by Mr. Tilley. Motion carried.

Judith A. Elson
Deputy City Clerk