



ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE

Beloit City Hall - The Forum

100 State Street, Beloit, WI

December 10, 2013 - 4:00 p.m.

Present: Betty Barnett, Ralph Berkley, Malissa Cronin, John Metter, Ron Tilley, Joseph Vickerman

Absent: Tina Goecks, Councilor Kevin Leavy (non-voting)

Advisory: Captain Dan Risse, 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 November 12, 2013. Motion to approve by Mr. Vickerman, second by Ms. Cronin. Motion carried.
3. Consideration of the Application for Amendment of "Class B" Fermented Malt Beverage & Intoxicating Liquor License, Outside Premises Extension for Rose's Soulfood, Clancy L. Smith, owner, 201 Short Street. Mr. Metter moved that no action be taken on this matter because the owner of this business was not in attendance, second by Mr. Tilley. Motion carried 6-0.
4. Consideration of the Application for a Change of Agent at HRNS V Entertainment, d/b/a Adiktion, 1310 Cranston Road, from Jaime Hernandez to Brenda Flores. Proposed Agent, Brenda Flores, appeared.

Captain Risse 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. Flores if she had any experience selling alcohol and whether she was familiar with the problems that have occurred at Adiktion recently. Ms. Flores stated she did not have experience in the sale of alcohol and she was familiar with the recent problems at Adiktion. Attorney Krueger asked Ms. Flores how she would take care of the issues at Adiktion; and Ms. Flores replied that she would continue the training for all staff making sure no underage sales are made. Attorney Krueger informed Ms. Flores that Adiktion had other issues in addition to selling to minors and asked if she was familiar with the recent charges of purchasing alcohol from unauthorized sources. Ms. Flores stated she did not know about those charges. Attorney Krueger informed Ms. Flores that part of being an Agent is to be responsible for all things related to the sale of alcohol. She asked Ms. Flores how she would handle the job as Agent if she does not understand the reason why Adiktion's license is currently suspended. Ms. Flores responded that she would find out what the problems are and take additional training about alcohol issues. Attorney Krueger asked Ms. Flores if she was currently living in Waukesha and how often she would be on the premise of Adiktion. Ms. Flores stated she was living in Waukesha and would be at Adiktion every time they have an event which would be only on Fridays and Saturdays from 8 p.m. to 2 a.m. Attorney Krueger asked Ms. Flores if she understood she would be held personally responsible for all alcohol related violations whether she was present or not, and she responded that she understood.

Chairman Berkley moved approval of Brenda Flores as Agent of Adiktion. The motion failed for lack of a second. The ABLCC took no action on the matter, and provided no recommendation to the City Council.

5. Consideration of the Application for Change of Agent at N D Gas LLC, d/b/a Beloit Mobil on the Run, 2883 Milwaukee Road, from Connie Gunning to Syed Saiful Jawad Hussaini. Owner, Rao Ahmed and proposed Agent, Syed Saiful Jawad Hussaini appeared.

Captain Risse 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. Hussaini if he understood he would be personally responsible for all alcohol violations that may occur on the premises whether he is present or not, and Mr. Hussaini replied that he understood this responsibility.

Mr. Tilley moved to recommend approval to the City Council that Mr. Hussaini be approved as the Agent for Beloit Mobil on the Run, second by Mr. Metter. Motion carried 6-0.

6. Application for Class "A" Beer License for Bindi R, Inc., d/b/a Clark Gas Station, 903 Broad Street, Jay Gravitt, Agent. President Rajeshkumar B. Patel, and proposed Agent, Jay Gravitt, appeared.

Captain Risse 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. Gravitt if he understood that he would be accountable for all alcohol violations that may occur on the premises whether he is present or not. Mr. Gravitt stated he fully understood this responsibility.

Mr. Tilley asked Mr. Gravitt if he had any experience regarding alcohol sales, and he replied that many years ago he was a bartender and a waiter and that he understood the laws regarding the sale of cigarettes.

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

7. Consideration of a potential ordinance relating to hosting gatherings involving underage possession and consumption of alcohol. Representatives Debbie Fischer, Vince Sciamme and Fran Fruzen from Youth2Youth Rock County presented a request for this ordinance to Police Chief Jacobs who referred Youth2Youth to the Alcohol Beverage License Control Committee. Ms. Fischer presented a copy of the City of Evansville's ordinance along with some suggested modifications. Ms. Fischer stated the purpose of creating this ordinance is to prevent youth from getting alcohol from adults hosting underage parties. Captain Risse stated the Beloit Police Department recommends the passing of a hosting ordinance.

Vince Sciamme explained that this proposed ordinance is another tool for law enforcement to prevent alcohol from getting in the hands of underage persons. Mr. Sciamme said the police cannot enter the home of a suspected underage house party unless the occupants open the door for them.

Fran Fruzen stated there is a misconception among parents who think that by taking keys away from the underage people and keeping them inside the home, they are providing safe drinking. Mr. Fruzen said there is no such thing as safe drinking and keeping the youth in the home leads to excessive drinking, and alcohol poisoning.

Attorney Krueger stated she is concerned with how the Beloit Police Department can prove a homeowner is providing alcohol at an underage party when they cannot gain entrance to the home. Attorney Krueger indicated that municipalities may not regulate matters related to alcohol sales and consumption outside of the strict compliance of Chapter 125 of Wisconsin State Statutes. Attorney Krueger further explained her concern that this proposed ordinance would not provide any additional enforcement avenues that are not already on the books such as prohibiting the providing of alcohol to minors, and noise-related ordinances. Attorney Krueger said if this committee recommends a social host ordinance be considered by the City Council, that the Evansville ordinance not move forward in its current form, and that it would need considerable work to make it function for the City of Beloit.

Mr. Tilley made a motion that the City Council consider a social host ordinance, second by Vickerman. Motion carried 6-0.

8. Citizen Comments: None
9. Committee Comments: Chairman Berkley introduced Betty Barnett as the new member of this committee.
10. Police Department Comments: Captain Risse stated the police project at the Third Street parking lot resulted in eleven self-initiated incidents and one loitering citation in less than a one month period. The project will conclude because the loitering has been curtailed with the success of the project and the change in the weather. Captain Risse said Captain Molland is starting a new project in the area of Sara's Pub and he will report the results of the new project at the ABLCC's next meeting.
11. Attorney Comments: None
12. At 4:40 p.m. Mr. Vickerman moved to adjourn, second by Ms. Cronin. Motion carried.

Judith A. Elson
Deputy City Clerk