



PROCEEDINGS OF THE BELOIT CITY COUNCIL

Special Meeting

100 State Street, Beloit, WI 53511

Monday, September 28, 2015

Presiding: Council President Charles M. Haynes
Present: Sheila De Forest, Chuck Kincaid, David F. Luebke, Marilyn Sloniker, Judge William Henderson
Absent: Ana Kelly, Regina Hendrix

City Attorney Elizabeth Krueger represented the City
Attorney William Henderson appeared as independent counsel to the City Council

1. The special meeting was called to order at 7:10pm in accordance with Section 2.02(3) of the City Ordinances. File 8688
2. Consideration of a recommendation from the Alcohol Beverage License Control Committee that the Alcohol Beverage License for HRNS V Entertainment, LLC, d/b/a Adiktion, 1310 Cranston Road, Edgardo Garrido, Agent, be revoked.
3. Mr. Henderson outlined the procedures to be followed and stated that the question to be decided was if the evidence supports the suspension or revocation of the alcohol beverage license of HRNS V Entertainment, LLC.
4. Councilors Luebke and De Forest moved to adopt the agenda as presented. Motion carried 5-0.
5. Attorney Krueger waived the opportunity to make an opening statement for the City. Attorney Chesebro made objection to Attorney Krueger presiding as the prosecuting attorney in this matter because she's advised the Council previously and he believes it is a conflict of interest to continue as prosecutor and advisor. He also noted that the defense intends to prove that his client, Adiktion, is not an indecent, improper, riotous or inappropriate location in the City. He stated they have followed the rules and regulations that were set out before them and the incidents cited in the complaint do not show or maintain that they are allowing under aged children inappropriately on the premises. He did acknowledge that his client does admit to possessing alcohol on the premise to which receipts were not maintained. He otherwise objects to all other allegations at this time. President Haynes concluded that there was not a conflict allowing City Attorney Krueger to proceed as the prosecutor in this matter and informed the City to proceed in calling witnesses.
6. Attorney Krueger called the following witnesses, who were sworn in for the remainder of the proceedings, and questioned them about all events in the complaint. Exhibits 1-16 were entered into evidence. Attorney Chesebro also questioned the witnesses, as did the City Councilors.

Beloit Police Captain Dan Risse, July 25 and July 31, 2015 incidents, Exhibits 1-3

Beloit Police Officer Rich LeFeber, October 5, 2014 incident, Exhibit 4

Beloit Police Officer Gregg Cisneros, October 5, 2014 incident, Exhibit 4

Beloit Police Sergeant Ryan Flanagan, November 15, 2014 and January 1, 2015 incidents, Exhibits 5, 6 & 8

Beloit Police Officer Dan Daly, January 1, May 12 and July 25, 2015 incidents, Exhibit 8 & 11

Beloit Police Sergeant Roel Benavides, January 1, 2015 incident, Exhibit 9

Beloit Police Officer Eric Schoonover, January 1, July 25 and July 31, 2015 incident, Exhibit 10

Beloit Police Officer Chris Eberhardt, July 25, 2015 incident, Exhibit 12

Beloit Police Investigator John McMahon, July 25 and July 31, 2015 incidents, Exhibit 12

Beloit Police Officer Dave Hoffman, July 25, 2015 incident, Exhibit 12

Beloit Police Captain Dan Molland, July 25 and July 31, 2015 incidents, Exhibit 13
Beloit Police Officer Rick Sears, April 10, 2015 contact, Exhibits 15 and 16
Wisconsin Department of Revenue Special Agent Jason Lee, April 13, 2013 investigation and August 29, 2015 investigation, Exhibit 14

7. At 10:57pm the City Council was advised that pursuant to our City Ordinance 2.02(3)(c), stating that meetings shall adjourn no later than 11:00p.m., unless two-thirds of the Council members present vote to extend the time to finish the business for which the meeting was called. After consideration, Sloniker and Luebke made a motion to proceed with the hearing beyond 11pm. Motion carried 5-0.
8. Attorney Chesebro called the following witnesses, who were sworn in for the remainder of the proceedings, and questioned them about events in the complaint. Exhibits 17-23 were entered into evidence. Attorney Krueger also questioned the witnesses, as did the city councilors. Translator Belem Gonzalez was also sworn in and assisted with questioning.

Julian Valencia, 341 London, Round Lake, IL, Owner at HRNS V Entertainment, LLC.
Efrain Valencia, 511 Lakewood Terrace, Round Lake, IL, Owner at HRNS V Entertainment, LLC
Exhibit 17

City of Beloit Interim Chief of Police, David Zibolski. Incident on July 25, 2015 and Exhibits 18-21
Alfredo Arteaga, 329 Farm Hill Circle, Wauconda, IL, Bar Manager at HRNS V Entertainment, LLC
Valerie Moore, Beloit WI, On call bartender at HRNS V Entertainment, LLC, Incident July 25, 2015
Yasmin Valencia, niece of owners. Incident July 25, 2015 and Exhibits 22 and 23.

9. Attorney Krueger gave her closing statement and requested that the combination Class B license issued to Adiktion be revoked.
10. Attorney Chesebro gave his closing statement and requested a maximum sanction of a 30-day liquor suspension for the violations of the improper liquor on site.
11. City Councilors Luebke and Sloniker moved to adjourn into closed session at 2:08 a.m. September 29, 2015 pursuant to WI Statutes 19.85(1) (a) for deliberations. Motion carried 5-0. At 2:16 a.m. Councilors Luebke and Kincaid moved to reconvene to open session. Motion carried.
12. Councilors De Forest and Kincaid moved a motion for revocation of alcohol license, "The City Council finds that the allegations of the complaint are true. The alcohol beverage license of HRNS V ENTERTAINMENT, LLC shall be revoked beginning October 1, 2015 at 12:01 a.m." Motion carried 5-0.
13. Councilors Sloniker and Luebke made a motion to adjourn at 2:18 a.m. Motion carried.



Lorena Rae Stottler, City Clerk

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Date Approved by Council: October 19, 2015