



ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE

Beloit City Hall –The Forum

100 State Street, Beloit, WI

June 14, 2016 – 4:00 p.m.

Present: Betty Barnett, Dennis Baskin, Malissa Cronin, Jerome Jennings, John Metter, Ron Tilley, Tara Tinder

Absent: Councilor Regina Dunkin

Advisory: Captain Dan Risse, Attorney Elizabeth Krueger

1. The meeting was called to order at 4:00 p.m. by Vice Chairman Metter with a quorum present.
2. Baskin and Tinder made a motion to approve the minutes of the regular meeting of May 10, 2016. Motion carried.
3. Consideration of a Change of Agent on the Class “A” Beer and “Class A” Liquor License of Speedway #4087, 148 Liberty Avenue to Jacob M. Olson for the licensing period ending June 30, 2016.

Captain Risse stated municipal and state records were checked and the Police Department has no objection to the appointment of this Agent.

Attorney Krueger asked Mr. Olson to reaffirm his answer to question #9 on his Supplemental Questionnaire for Agents which asks if he understands that he can be personally given citations by the Police Department for such things as underage sales, open after hours or other related violations, even when he is not on the premises. Mr. Olson reaffirmed that he understood this responsibility.

Cronin and Barnett moved to recommend approval to the City Council of this Change of Agent. Motion carried 7-0.

4. Consideration of a Change of Agent on the Class “B” Beer and Reserve “Class B” Liquor License of Fiesta Cancun Authentic Mexican Restaurant, 2648 Prairie Avenue, to De Vincente Lazaro for license period 7/1/16 to 6/30/17.

Captain Risse stated municipal and state records were checked and the Police Department has no objection to the appointment of this Agent.

Attorney Krueger asked Mr. Lazaro to reaffirm his answer to question #9 on his Supplemental Questionnaire for Agents which asks if he understands that he can be personally given citations by the Police Department for such things as underage sales, open after hours or other related violations, even when he is not on the premises. Mr. Lazaro reaffirmed that he understood this responsibility.

Tinder and Jennings moved to recommend approval to the City Council of this Change of Agent.

Motion carried 7-0.

5. Consideration of a new application for Class “B” Beer and “Class B” Liquor License of Wisco Kitchen, LLC, 302 State Street, Jacqueline Gennett, Agent for license period 7/1/16 to 6/30/17.

Captain Risse stated municipal and state records were checked and the Police Department has no objection to the applicant.

Attorney Krueger asked Ms. Gennett to reaffirm her understanding that she can be personally held responsible for any violations that occur on the property, even if she is not physically present on the premises. Ms. Gennett reaffirmed that she understood this responsibility.

Baskin and Barnett moved to recommend approval to the City Council of this application. Motion carried 7-0.

6. Consideration of a new application for Class “B” Beer and “Class B” Liquor License of Zachariah Davis, d/b/a The New Pop House, 863 Fifth Street, for license period 7/1/16 – 6/30/17.

Captain Risse confirmed with the clerk that an amended application was on file with her office. Clerk Stottler affirmed he filed the appropriate paperwork. Capt. Risse stated municipal and state records were checked and the Police Department has no objection to the applicant.

Attorney Krueger asked Mr. Davis to reaffirm his understanding that he can be personally held responsible for any violations that occur on the property, even if he is not physically present on the premises. Mr. Davis reaffirmed that he understood this responsibility.

Cronin and Tinder moved to recommend approval to the City Council of this application. Motion carried 7-0.

7. Consideration of a new application for Class “B” Beer of Taqueria Azteca Beloit, LLC, 1910 Shopiere Road, Ruben Rosas, agent for license period 7/1/16 to 6/30/17. (Formerly held by Ruben Rosas, individually d/b/a Taqueria Azteca)

Captain Risse stated municipal and state records were checked and the Police Department has no objection to the applicant.

Attorney Krueger asked Mr. Rosas to reaffirm his understanding that he can be personally held responsible for any violations that occur on the property, even if he is not physically present on the premises. Mr. Rosas reaffirmed that he understood this responsibility.

Tinder and Barnett moved to recommend approval to the City Council of this application. Motion carried 7-0.

8. Consideration of new application for Class “A” Beer and “Class A” Liquor License of Madison Road Mart, Inc., 1343 Madison Road, Harjinder Samra, Agent for license period 7/1/16 to 6/30/17. (current license holder is Beloit Enterprises, Inc., Pyarali Punjwani, owner/agent)

Captain Risse stated municipal and state records were checked and the Police Department has no objection to the applicant.

Attorney Krueger asked Mr. Samra to reaffirm his understanding that he can be personally held responsible for any violations that occur on the property, even if he is not physically present on the premises. Mr. Samra reaffirmed that he understood this responsibility.

Tilly and Baskin moved to recommend approval to the City Council of this application **contingent upon the successful sale and relinquishment of the license for Madison Road BP, Pyarali Punjwani – agent.** The city clerk is only to issue the license upon receipt of proof of sale and relinquished license. Motion carried 7-0.

9. Consideration of a renewal application for Class “A” Beer and “Class A” Liquor License of ND Gas, LLC, d/b/a Beloit Mobil on the Run, 2883 Milwaukee Road, Syed Saiful Jawad Hussaini, Agent for license period 7/1/16 to 6/30/17.

Captain Risse stated municipal and state records were checked and the Police Department has no objection to the applicant.

Attorney Krueger inquired about the pending sale of the business. Mr. Ahmed explained it is still pending and taking longer than expected because the property is owned by McDonalds Corporation and the oil supplier needs to approve. The new owner will reapply with the clerk when the sale is closer to being finalized and will come back to ABLCC for approval. Attorney Krueger asked Mr. Hussaini to reaffirm his understanding that he can be personally held accountable for any violations that occur on the property, even if he is not physically present on the premises. Mr. Hussaini reaffirmed that he understood this responsibility.

Tilley and Jennings moved to recommend approval to the City Council of this application. Motion carried 7-0.

10. Consideration of a renewal application for Class “B” Beer and “Class C” Wine Liquor License of Royal Enterprizes LLC d/b/a Mama Lou’s Shrimp & BBQ Smokehouse, 315 State Street, James H. Bennett, Jr., Agent for license period 7/1/16 to 6/30/17. No representative for the license was present to represent. No action was taken by the committee and this item will not move to the June 20th Council meeting. Due to failure to appear, the existing license expires at midnight June 30th and he must appear at the July 12th ABLCC meeting and be recommended to the July 18th Council meeting for final approval. This business will be informed that between July 1, 2016 and at least July 18th, until a license is approved. Without a license, no alcohol can be sold or consumed on premise until the application has been fully approved and issued by the City Clerk.
11. Consideration of Class “B” Fermented Malt Beverage and “Class B” Intoxicating Liquor licenses for Pitcher’s Mound LTD, LLC, 2745 Prairie Avenue, Robert L. Lewis, Agent.

Attorney Krueger explained that the business applied for their 2016-2017 license and has since closed their business. The only way to make the license available again is to begin the revocation proceedings process and Attorney Krueger needs their recommendation before doing so.

Tinder and Barnett moved to recommend revocation of the license. Motion carried 7-0.

12. Consideration of an incident May 4, 2016, at Tobacco Shack, 1212 Cranston Road, Jignesh Desai, Agent for a sale to an underage person during an alcohol compliance check.

Tom Lindaas, Store Manager for the Tobacco Shack appeared on behalf of the owner/agent. Captain Risse reviewed the process for compliance checks and explained the incident at this premise. Captain Risse asked Mr. Lindaas to explain what the store has done to change procedures so this doesn't occur again. Mr. Lindaas explained that all employees are going through recertification and they are placing an emphasis on training throughout the store. The employee is a valued employee and was suspended for 30 days and is paying the fines. Captain Risse asked if their registers allow for entry of a birthdate or a scanner that checks ID. He answered that they don't have such technology and they are dependent on training and checking for proper ID. He has appeared before the committee twice in ten years and they take these violations very seriously. Ms. Tinder asked if the store considered investing in technology that checks ID so the error isn't as likely to occur. Mr. Baskin went on record to state he was pleased this employee was not terminated as we are human and we make errors.

This is the first violation in a calendar year and no recommendation for sanction is being made by staff at this time.

13. Consideration of an incident May 4, 2016, at Rollette Oil Co. #1, 1451 Madison Road, Paul R. Simon, Agent for a sale to an underage person during an alcohol compliance check.

Paul R. Simon appeared as owner/agent for the store. Captain Risse reviewed the process for compliance checks and explained the incident at this premise. Captain Risse asked Mr. Simon to explain what the store has done to change procedures so this doesn't occur again. Mr. Simon explained that they have a strict policy that if you sell to minors, you are terminated. This employee was relieved of her duties immediately and has since hired an attorney to fight the ticket under the defense of entrapment. Their registers have the function to enter the birthdate but only if they ring the sale as alcohol. This employee rang the sale as tobacco and therefore was not required to enter a date of birth. It is not clear if that was intentional or not.

This is the first violation in a calendar year and no recommendation for sanction is being made by staff at this time.

14. Consideration of an incident May 4, 2016, at Casey's General Store #3316, 2350 Cranston Road, Emma Monheim, Agent for a sale to an underage person during an alcohol compliance check. (2nd offense within 12 months).

Ms. Monheim appeared as agent for the store. Captain Risse reviewed the process for compliance checks and explained the incident at this premise. Captain Risse explained that in November after the first violation he received a 3-page list of changes the store was implementing to make sure it doesn't happen again. He asked if those changes have been implemented. Ms. Monheim answered that to her knowledge they were not and she has been the store's agent for one month. Since she's come on board, they have retrained on the policies, are checking ID for anyone appearing to be under 30 years of age, making certain employees know how to scan the ID on the register and check ID's properly, and this employee no longer works for the company.

Captain Risse explained that this is the second violation within a six month period and recommendations for sanctions have been consistent with past practice. The Police Department is recommending a 10-day license suspension. Mr. Tilley asked if they would have to physically

remove alcohol or just lock it up. Attorney Krueger explained that the alcohol would have to be locked away and made unavailable for sale.

Tilley and Tinder made a motion to accept the recommendation of a 10-day suspension for this second violation within 12 months. Motion carried 6-1 with Baskin voting no.

Attorney Krueger explained that with this recommendation, she will draft a formal complaint which will be introduced to the City Council and then a date for a hearing would be set. The store then has the opportunity to have an attorney present to represent them at the hearing. Attorney Krueger encouraged Casey's to obtain an attorney and will make contact with Ms. Monheim or the company's attorney to explain when the hearing is set to take place.

15. Consideration of noise complaints against The Tavern, 1567 Madison Road, Susan Hudson, Agent.

Susan Hudson, Agent and Patricia Mitchell appeared to represent the establishment. Captain Risse explained that an officer was dispatched to the establishment after a citizen complaint was made at the May 10 meeting. The officer reported that upon arriving he did not notice any loud music outside and there was no alcohol being consumed in the smoking area. The doors were not propped open and music could only be heard upon reaching the front doors. The officer advised the staff of the complaint and the staff stated they would do their best in maintaining these issues.

Captain Risse followed up with the citizen making the complaint and he explained that since the change in ownership he has noticed an improvement and does not have current issues with the establishment. Ms. Hudson made it clear that they would be more than willing to share contact information with Mr. Parish so he can contact them anytime he notices an issue. They take pride in the business and want to be good neighbors by respecting the neighborhood.

16. City Clerk Stottler informed the committee that currently one Reserve license is available for sale. The Local closed and did not reapply so a second Reserve license will become available July 1. She explained her attempts to contact the parties responsible at Pitcher's Mound and has been unsuccessful. She reminded the committee that in November of 2015 they approved recommendation for a liquor license to Peter Gabrielle of Palermo's and that license did not issue in the current license year. He has applied for renewal and the committee has approved recommendation as well as council approval on June 6, 2016. According to City Ordinance 31.04(3), "Where the City Council has granted a license, but the license has not been issued because construction, renovation or code compliance is not completed in 6 months, the City Council may rescind the license at a regular Council meeting after notice to the licensee and opportunity for the licensee to be heard." The committee would like to have Mr. Gabrielle added to the July agenda for him to give an update on the construction and timeline for opening for business.
17. Citizen Comments: Danny Hatch, Jr. from the Alumni wanted to follow up with the committee to make sure that he has met all of the requirements to sell the business. Attorney Krueger explained that Mr. Davis has been granted a license today and upon approval June 20, 2016 he no longer has the license since it is granted to Mr. Davis.

Rao Mudabir Ahmed with ND Gas wanted to inform the committee that after listening to some of the concerns for selling to minors and some registers not having a scanning function, that there

are apps available for tablet and phones that you can buy for a nominal fee that perform this function.

18. Committee Comments: Ms. Cronin inquired about the outside smoking area for the old Liberty Inn now operating as Clara Bo. She asked if they needed to extend their application to include that area. Attorney Krueger explained that if alcohol is being consumed in that area, their application needs to be amended to do so and she seemed to remember that taking place within the last year or so, but will have Clerk Stottler follow up.
19. Police Department Comments: Captain Risse reviewed the monthly report and explained that many of the calls for service on the report may not actually reflect a call to the establishment as other businesses operate on the property and can be unrelated to the liquor license operations. Some of the reports have notations to explain whether they are under investigation or closed.
20. City Attorney Comments: None
21. Cronin and Jennings made a motion to adjourn at 4:54 p.m. Motion carried.



Lorena Rae Stottler, City Clerk