



## NOTICE AND AGENDA

### Beloit City Council

Special Meeting

Monday, January 24, 2011

6:30 p.m.

City Hall Forum

City Hall – 100 State Street

Beloit, WI 53511

## CALL OF MEETING OF CITY OF BELOIT COUNCIL CITY OF BELOIT, WISCONSIN

**NOTICE IS HEREBY GIVEN** that in accordance with Section 2.02(3) of City Code a Special Meeting of the City Council of the City of Beloit, Rock County, Wisconsin, is being called.

1. Roll call.
2. The City Council shall consider a recommendation from the Alcohol Beverage License Control Committee that the **Alcohol Beverage License for Sembhi, Inc, d/b/a BP Gas Station**, 2933 Milwaukee Road, Kristin Loehr, Agent be suspended for 15 consecutive days (Krueger)
3. The City Council may adjourn into closed session pursuant to WI Statutes 19.85 (1)(a) for deliberations and reconvene into open session for possible action.
4. Motion to Adjourn.

Larry N. Arft, City Manager

Dated: January 19, 2011  
Rebecca S. Houseman  
City Clerk

\*\*Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511

FILE# 8449

JAN 18 2011

CITY OF БЕЛОIT  
CITY CLERK

**RESOLUTION SETTING RETURN DATE AND  
AUTHORIZING ISSUANCE OF SUMMONS FOR AN ALCOHOL LICENSE SANCTION  
HEARING FOR SEMBHI, INC., D/B/A BP GAS STATION**

WHEREAS, the City of Beloit Alcohol Beverage License Control and Advisory Committee at its meeting on December 14, 2010 recommended that the alcohol beverage license issued to Sembhi, Inc. d/b/a BP Gas Station, be suspended for 15 consecutive days; and

WHEREAS, City Ordinance 31.01 adopts Wisconsin State Statutes 125.12(1) -(3m) which, among other things, requires that the City Council shall issue a summons signed by the City Clerk upon the filing of a complaint seeking revocation or suspension of a license; and

WHEREAS, such a complaint has been duly presented to the City Council; and

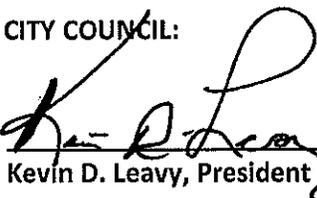
WHEREAS, the City Council is desirous of setting a return date and a hearing date on said matter at 6:30p.m., on the 24<sup>th</sup> day of January, 2011, at the Forum in City Hall.

BE IT RESOLVED, that the City Clerk is hereby directed to sign a summons, said summons being hereby issued by the City Council for a hearing date of 6:30 p.m., on the 24<sup>th</sup> day of January, 2011, at the Forum in City Hall.

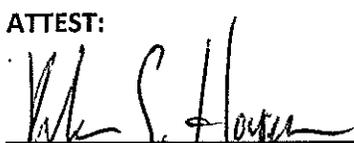
Adopted this 18<sup>th</sup> day of January, 2011.

BELOIT CITY COUNCIL:

By:

  
Kevin D. Leavy, President

ATTEST:

  
Rebecca S. Houseman  
City Clerk  
City of Beloit, Wisconsin



IN THE MATTER OF THE  
SUSPENSION OR REVOCATION  
OF THE ALCOHOL BEVERAGE  
LICENSE OF  
SEMBHI, INC  
d/b/a BP GAS STATION  
KRISTIN M. LOEHR, AGENT

**COMPLAINT**

TO: THE CITY COUNCIL OF  
THE CITY OF БЕЛОIT  
ROCK COUNTY, WISCONSIN

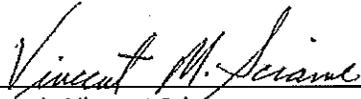
COMES NOW Captain Vincent Sciamme being first duly sworn and upon oath respectfully makes the following allegations against Sembhi, Inc., d/b/a BP Gas Station:

1. The Complainant is Vince Sciamme, Captain for the City of Beloit Police Department, 100 State Street, Beloit, WI 53511.
2. Sembhi, Inc., d/b/a BP Gas Station, Kristin Loehr, Agent, 2933 Milwaukee Road, is the holder of the attached alcohol beverage license issued for the period of July 1, 2010 through June 30, 2011 and the license and application are attached hereto as Exhibit 1 and Exhibit 2.
3. The abridged minutes of the December 14, 2010 meeting of the City of Beloit Alcohol Beverage License Control Committee are attached hereto as Exhibit 3 and incorporated herein by reference. Said minutes document the committee's recommendation of a consecutive 15-day suspension of said license.
4. As grounds for said sanction, it is alleged that the licensed establishment violated City Ordinance Section 31.01, adopting § 125.32(2), Wis. Stats., by operating a Class A premise without a licensee present on November 11, 2010. ISR 10-8460 documents the police department investigation into this incident and is attached hereto and incorporated herein as Exhibit 4.
5. That because of said violation, the license holder is subject to sanction under Wis. Stats. Section 125.12(2)(ag)(1) in that the license holder has violated Chapter 125 of the Wisconsin Statutes and Section 31.01 of the Code of General Ordinances of the City of Beloit constituting a municipal regulation adopted under Wis. Stats. Section 125.10.
6. City of Beloit Municipal Court records indicate that Kristin Loehr, agent for Sembhi, Inc., was issued Citation N1232571 alleging "Class A Premise Open Without a Licensee Present" on November 11, 2010. Said records further indicate that Ms. Loehr was convicted of said offense on December 9, 2010. A Certificate of Conviction in Beloit Municipal Court is attached hereto and incorporated herein by reference as Exhibit 5.

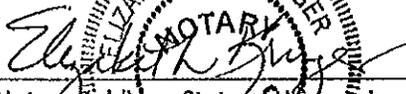
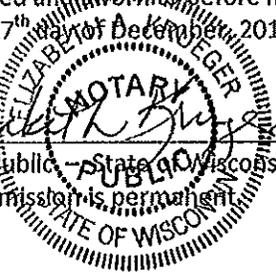
7. In addition to the incidents described above, the City reserves the right to rely on evidence, if any, arising out of any further violations at or about the premises complained of up to the time of any hearing held herein.

8. By reason of the foregoing acts and omissions of the license holder, Sembhi, Inc., d/b/a BP Gas Station, the present license is recommended by ABLCC to be suspended for a period of 15 days beginning forthwith and running for 15 consecutive days.

Dated this 17<sup>th</sup> day of December, 2010.

  
\_\_\_\_\_  
Captain Vincent Sciamme  
Police Department, City of Beloit, Wisconsin

Subscribed and sworn to before me  
on this 17<sup>th</sup> day of December, 2010:

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission is permanent  


File Copy

**CITY OF БЕЛОIT**  
STATE OF WISCONSIN

Non-Transferable

**SEMBHI, INC. ~ KRISTIN LOEHR, AGENT**

Having paid to the City of Beloit, the sum of \$1000.00

**IS HEREBY GRANTED A LICENSE**

To: Sell Class "A" Fermented Malt Beverages and "Class A" Intoxicating Liquors  
At: BP GAS STATION, 2933 MILWAUKEE RD., sales floor, cooler, stockroom

*Within this City, subject to the Ordinances thereof and to the laws of this State, unless previously relinquished or revoked.*

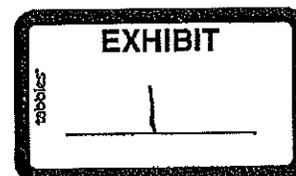
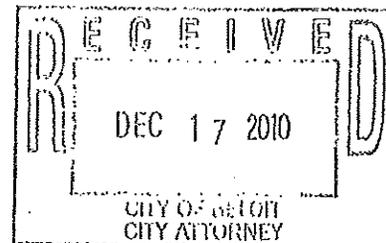
This License expires: **June 30, 2011**

Approved by the Beloit City Council

Issued this 20th day of July, 2010

*Carol S. Alexander*

CITY CLERK



# RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07/01/10 ending: 06/30/11  
(MM/DD/YYYY) (MM/DD/YYYY)

TO THE GOVERNING BODY of the:  Town of } Beloit  
 Village of }  
 City of }

County of Rock Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

CHECK ONE  Individual  Partnership  Limited Liability Company  
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:  
 Full Name(s) (Last, First and Middle Name) \_\_\_\_\_ Home Address \_\_\_\_\_ Post Office & Zip Code Rock 53511

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company Sembhij, inc.  
 Address of Corporation/Limited Liability Company (if different from licensed premises) \_\_\_\_\_  
 All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:  
 Title Name (Inc. Middle Name) Home Address Post Office & Zip Code  
 President/Member Kristin Marie Loehr 1163 Milwaukee Rd. Beloit, WI 53511  
 Vice President/Member \_\_\_\_\_  
 Secretary/Member \_\_\_\_\_  
 Treasurer/Member \_\_\_\_\_  
 Agent Kristin Marie Loehr 1163 Milwaukee Rd. Beloit WI 53511  
 Directors/Managers \_\_\_\_\_

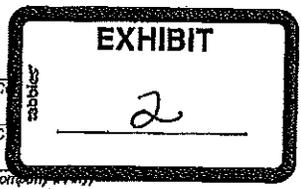
C. 1. Trade Name BPGas Station Business Phone Number 608-365-9791  
 2. Address of Premises 2933 Milwaukee Rd. Post Office & Zip Code Beloit WI 53511

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers?  Yes  No
4. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Liquor - behind counter Beer-coolers & stockroom
5. Legal description (omit if street address is given above): \_\_\_\_\_
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side ..  Yes  No
- b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side .....  Yes  No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. ....  Yes  No
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. ....  Yes  No
9. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown under Section A or B above? (phone (608) 266-2776) .....  Yes  No
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? .....  Yes  No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? .....  Yes  No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME  
 this 14 day of June, 20 10  
[Signature]  
(Notary Public)  
 My commission expires 9-22-13

[Signature]  
(Officer of Corporation/Member/Manager of Limited Liability Company)  
[Signature]  
(Officer of Corporation/Member/Manager of Limited Liability Company)  
[Signature]  
(Additional Partner(s)/Member/Manager of Limited Liability Company)



Applicant's Wisconsin Seller's Permit Number: <u>456-1020029359-03</u>	
Federal Employer Identification Number (FEIN): <u>20-3221696</u>	
LICENSE REQUESTED	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$ <u>500</u>
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Wholesale beer	\$
<input type="checkbox"/> Class C wine	\$
<input checked="" type="checkbox"/> Class A liquor	\$ <u>500</u>
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>50</u>
<b>TOTAL FEE</b>	\$ <u>1050.00</u>

Date received and filed with municipal clerk <u>6-14-10</u>	Date reported to council/board <u>6-21-10</u>	Date license granted <u>7-19-10</u>
License number issued <u>2/A</u>	Date license issued <u>7-20-10</u>	Signature of Clerk/Deputy Clerk <u>[Signature]</u>

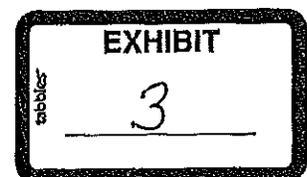
5. Consideration of an underage alcohol sale without a licensed Operator or the Agent on the premises on November 11, 2010 at Sembhi, Inc., d/b/a BP Gas Station, Kristin Loehr, Agent, 2933 Milwaukee Road.

Captain Sciame stated the Police Department discovered during an alcohol compliance check that the clerk making the underage sale did not hold a valid Operators License for the City of Beloit nor was the Agent on the premise. Agent Kristin Loehr stated she was having the employee work only when the alcohol was locked, however the employee called that day to tell her employer that she had her license, however Ms. Loehr did not check to see if this was true. Captain Sciame explained to Ms. Loehr that it was her responsibility to make certain a licensed person was working and based on this violation the Police Department is recommending a 15 day suspension of the liquor license.

Tilley asked Ms. Loehr if this employee was still working for her and Ms. Loehr responded that she was no longer employed by her.

Berkley moved a 15 day suspension of alcohol sales at BP Gas Station, 2933 Milwaukee Road, second by Marsden. Motion carried 7-0.

Attorney Krueger explained to Ms. Loehr that a Complaint will be drafted to be presented to the City Council and the City Council will set a date for a hearing which will happen sometime in January 2011 and Ms. Loehr will receive a letter from the Attorney's Office informing her of the date along with a copy of the Complaint. Attorney Krueger informed Ms. Loehr that if she wishes to retain an attorney she should do this immediately. Ms. Loehr asked when her alcohol had to be removed from the business and Attorney Krueger explained that she didn't have to remove anything until after the City Council's decision.



10-8460  
Officer Mackey  
Original

A Copy of this narrative will need to be attached and forwarded to the city attorney along with the attached municipal citations N1232571 and N1241339.

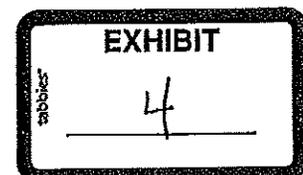
On Thursday, 11/11/10 at approximately 1800 hours, the Beloit Drug and Gang unit took part in an alcohol sting operation targeting Class A establishments in the City of Beloit. The goal was to attempt to purchase beer from local Class A vendors by using underage individuals. I, Officer Mackey, attended the briefing which was supervised by Sergeant Tilley along with participating Officer Sayles. The procedure was for the officer to transport the underage person to the place of business and provide pre-recorded buy money to purchase beer. I would maintain surveillance on the purchaser during the controlled buy. Upon exiting the store, the purchaser would advise the officer who sold them the beer and provide a description of the clerk. The second uniformed officer being Officer Elrod and Officer Linder would then respond to the Class A establishment where the violation occurred, photograph the purchaser with the beer, and make contact with the store clerk who sold the beer to the underage person. The uniformed officer would then return the beer and change from the purchase to the store in exchange for original money used to make the purchase. The citation would then be issued to the clerk who sold the beer to the underage purchaser. Additionally, the citing officers would confirm that a license holder is on the Class A premise and if not, they would write the appropriate citation and close the store for alcohol sales until such time that a license holder could arrive and remain at the store.

The participating underage person was identified by me at the police department was [redacted]. I positively identified him from his Wisconsin driver's license which clearly showed he would not turn 21 until April 24, 2011. I made a photo copy of his driver's license showing this. Please see attached. I then conducted a pat down of [redacted] pockets and did not locate any additional money or contraband on his person. I provided [redacted] a \$20.00 bill, that was pre-recorded, of buy money. I then took a digital photograph of [redacted] showing what he was wearing and how he looked during the day of this operation.

At approximately 1843 hours, this same date, [redacted] and myself proceeded to the BP gas station located at 2933 Milwaukee Road, in the City of Beloit. [redacted] then went into the store while I maintained in the unmarked squad car in the parking lot. At approximately 1844 hours, I observed [redacted] exit the store carrying a black bag. I met with [redacted] and he opened the bag, showing me that he was able to purchase a six-pack of 16 oz. cans of Keystone Light beer. I then took a digital photograph of [redacted] holding the six-pack of Keystone Light beer. Please see attached photo.

I then had Officer Elrod and Officer Linder respond to my location to issue the appropriate citations. [redacted] said that he purchased the six-pack of beer from the store clerk who was the only clerk working inside the gas station. He described her as f/w wearing a name tag that said "Gladys" on her shirt. [redacted] then handed the six-pack of Keystone Light beer to Officer Elrod where he and Officer Linder proceeded inside the store to meet with the clerk who sold [redacted] with the beer.

Officer Elrod and Officer Linder then made contact with me and advised that the clerk was identified as Gladys Avilla, f/w, DOB [redacted]. Officer Elrod informed me that there



was not a licensee present on the premise when this sale was made by Gladys Avilla. Officer Elrod further advised that Gladys Avilla was not a licensee for furnishing alcohol to customers. Officer Elrod then contacted the licensee to respond to this location, Kristin Loehr. Officer Linder then issued Gladys Avilla citation number N1241339 for the violation of non-licensee furnishing alcohol to underage person adopting statute 125.07(1)(a)(1), ordinance number 31.01 with a non-mandatory municipal court date of 12/9/10.

The licensee for this establishment then arrived on-scene identified as Kristin Loehr, f/w, DOB . Loehr informed me that Gladys Avilla was not a licensee permitted to sell alcohol. I informed Loehr that since she (Loehr), was the licensee permitted for sales of alcohol, that she needed to be present on the premise to sell alcohol from this establishment. Officer Linder then issued Kristin Loehr ordinance citation N1232571 for Class A premises open without licensee present adopting statute 125.32(2), ordinance 31.01 with the same non-mandatory court date of 12/9/10.

The six-pack of Keystone Light beer was then returned to Kristin Loehr inside the store and the change was returned to her in exchange for the original twenty dollar bill used to make the purchase. We then left the Milwaukee Road BP gas station.

Mackey/sb/11/13/10

