



## ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE

Beloit City Hall - The Forum  
100 State Street, Beloit, WI  
January 8, 2013 - 4:00 p.m.

Present: Ralph Berkley, Malissa Cronin, Frank Marsden, John Metter, Ron Tilley, Joseph Vickerman,  
Councilor Kevin Leavy (Non-Voting)  
Absent: Tina Goecks  
Advisory: Captain Vince Sciame, 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 December 11, 2012. Motion to approve by Mr. Marsden, second by Mr. Vickerman. Motion carried.
3. Consideration of a Change of Agent on a Class "A" Beer License for Speedway #4087, 148 Liberty Avenue. Proposed Agent Megan Biggerstaff 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. Biggerstaff to affirm she understood she is responsible for all violations that may occur on the premise whether she is present or not, Ms. Biggerstaff replied she understood.

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

4. Consideration of incidents occurring on November 13, 2012 and December 12, 2012, Police Reports 12-9008 and 12-9759, at Speedway #4293, 2781 Milwaukee Road, for a sale to an underage person during alcohol compliance checks. Agent Nancy A. Bryant and District Manager Jessica Wagner appeared.

Captain Sciame explained that the Police Department conducted an alcohol compliance check on December 12, 2012 and the underage operative was able to purchase a twelve pack of beer without having his identification checked. Captain Sciame explained to Ms. Bryant that because this is the second violation in a twelve-month period, the Police Department is recommending a sanction of suspending their beer license for thirty days.

Ms. Wagner stated Speedway takes this matter very seriously and all employees take a computer based training program twice every year called TAM, Tobacco/Alcohol/Management, and they have a third party company check them for underage sales on a regular basis. Ms. Wagner further explained that all employees recently took the TAM program again and were told if they sold to minors, they would be responsible to pay the fine and would be terminated immediately. Ms. Wagner explained the company

has gone one step further in running age verification reports from the cash register to check how many times an employee keys in "over 30", if they enter the same birthday multiple times, and how many times they scan in an ID. Ms. Wagner stated the company is preparing the paperwork to change Agents and will be submitting it within a week. Attorney Krueger suggested having two clerks check the identification for the sale of alcohol.

Councilor Leavy asked the committee to take this violation very seriously as the employees are not getting the message, and he recommended more than a thirty day suspension. Chairman Berkley stated that based on past practice, the Police Department recommendation and history of the store, he feels thirty days is a fair sanction.

Mr. Tilley moved to recommend to the City Council a thirty day suspension of the license of Speedway #4087, second by Mr. Vickerman. Motion carried 6-0.

Attorney Krueger explained that she would be preparing a Summons and Complaint which will be personally served on the store's Agent, and that a hearing date will be set with the City Council in no less than three days and no more than ten days from the date introduced by the Council.

5. Consideration of an incident on December 12, 2012, Police Report 12-9761 at CVS Pharmacy #8534, 1063 Fourth Street, for a sale to an underage person during alcohol compliance check. Chairman Berkley informed the committee that he talked with the Agent, Judy Thomas, who had received word that her husband was having a heart attack and she had to leave for the hospital. Marsden moved this matter be put on the February agenda, second by Metter. Motion carried 6-0.
6. Consideration of an incident at 616 Fourth Street on October 18, 2012, Police Report 12-8935. Captain Sciame stated the Agent/owner of The End Zone, Sandra Manning Brown, was called before this committee because of the concern of the committee members at the November and December meetings regarding the serious incidents and loitering outside her business and in the City's parking lot. Owner/Agent Sandra Brown appeared.

Chairman Berkley asked Mrs. Brown if she had read the concerns in the Police Department Report and if she had taken any corrective actions at the business. Mrs. Brown stated she had read the report and had ordered reflective shirts for her security staff. She said that staff is asking customers to line up along the building while they are waiting to get in, however, some customers refused to do so. Mrs. Brown said she does not agree with having her security staff go across the street to walk through the parking lot as she does not feel it is safe. Mrs. Brown stated she has started letting twenty people out at a time at closing time so that they are not blocking the street.

Mr. Metter asked about the ratio of customers to security staff, the capacity of the bar, and the average number of customers on Friday and Saturday nights. Mrs. Brown replied capacity is 200 but she averages 100 on weekends; and that she has three bouncers, someone checking IDs at the door, and a DJ who would talk to the people over the microphone if a problem developed. Mr. Metter asked if her staff uses an electronic wand to check people coming in, and Mrs. Brown replied she has one but has had the staff pat down men instead and has a female employee check the purses of women. Mrs. Brown said that she gets an influx of people when other bars close and when people get kicked out of other bars.

Councilor Leavy suggested she close at the same time as the other bars so that she does not get this influx of people and risk trouble at her bar. Mrs. Brown said the cars in the parking lot have Illinois plates and most are not her customers. Councilor Leavy said the neighboring bars are not facing the crowds and trouble that she is experiencing and it is her business that is drawing them.

Attorney Krueger advised that three bouncers for 100 people is not nearly enough to control the crowd and suggested that her security walk through the parking lot in teams, not making any contact, and then call the police if there are problems. Attorney Krueger stated these trouble makers are in the parking lot because of her business, and she has to take responsibility for this situation by hiring more security staff and taking steps to alleviate the problems outside her bar. Mrs. Brown stated she did not agree with Attorney Krueger as the people in the parking lot are not her customers and she does not have fights in her establishment. Captain Sciame agreed with Attorney Krueger that Mrs. Brown should have her security walk in teams outside and in the parking lot and call the police if there is a large crowd gathering.

Chairman Berkley asked why her staff was not cooperative with the police officers when they asked for the surveillance tape after a battery incident. Mrs. Brown said that she is the only one with a key to that room and that her daughter does not know how to work the equipment. Chairman Berkley stated she needs to instruct her daughter and give staff a key. Mr. Metter said Mrs. Brown needs to stop making excuses and start taking action.

Councilor Leavy stated these large groups are coming to the area outside her bar because they know they can get away with loitering and causing havoc. Councilor Leavy asked Mrs. Brown if she wanted to risk her business because she does not want to be more assertive with this situation. Mrs. Brown stated these were not her customers causing the problems and loitering in the parking lot. Councilor Leavy stated he cannot understand why Mrs. Brown cannot get this situation under control and that she has to stop making excuses. Councilor Leavy asked Attorney Krueger if they have enough incidents for the committee make a recommendation for sanctions. Attorney Krueger replied she would like to review all the police reports and material to see if there were enough incidents for sanctions and bring the matter back to the next meeting. Chairman Berkley stated the committee would like this report brought back to the February meeting for consideration.

7. Citizen Comments – None

8. Committee Comments – None

9. Police Department – None

10. Attorney Comments – None

11. At 4:55 p.m. Mr. Vickerman moved to adjourn, second by Mr. Tilley. Motion carried.

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Judith A. Elson  
Deputy City Clerk