



ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE

Beloit City Hall - The Forum

100 State Street, Beloit, WI

July 9, 2013 - 4:00 p.m.

Present: Ralph Berkley, Malissa Cronin, John Metter, Joseph Vickerman,
Councilor Kevin Leavy (non-voting)
Absent: Tina Goecks, Ron Tilley, (1 Vacancy)
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 a new Class "B" Beer and Reserve "Class B" Liquor License for Hourglass Media, LLC, d/b/a The Castle, 501 Prospect Street. John Wittnebel, Owner/Agent, appeared.

Attorney Krueger stated she and City Clerk Rebecca Houseman LeMire met with John and Jody Wittnebel to discuss their application. She said Mr. Wittnebel has made the suggested changes to the private manager's suite and there will not be any permanent presence of any other type of business. Attorney Krueger stated that with these concessions, the application would be suitable for approval if this committee wishes.

Mr. Vickerman said that he did not believe there has been approved a liquor license within 300 feet of a church or school before. He said that approving this application would not set a good precedent.

Attorney Krueger said the City Council could waive this requirement by a super majority vote and she believes that the City has done this in the past.

Mr. Metter moved approval of this license application, second by Mr. Berkley. Motion carried 3-1 with Mr. Vickerman voting no.

3. Consideration of incidents at Adiktion, 1310 Cranston Road, Jaime Hernandez, Agent, on May 3, 2013, Police Report #13-2818 and an incident on May 12, 2013, Police Report #13-3850. Agent, Jaime Hernandez and Owner, Ismael Hernandez appeared.

Captain Risse stated that Police Incident Report #13-2818 was regarding an assistance call to the Wisconsin Department of Revenue Alcohol and Tobacco Enforcement Unit (ATEU) regarding a complaint that Adiktion was purchasing alcohol from unauthorized sources. Captain Risse further stated that Police Report #13-3850 was a shooting incident in the parking lot, followed by a car chase and subsequent arrest.

Attorney Krueger said the ATEU report showed that Mr. Jaime Hernandez, Agent, could not produce invoices for alcohol as required by state law to prove alcohol was purchased from a Wisconsin licensed distributor. Attorney Krueger asked the applicants why they started buying alcohol from unlicensed sources. Ismael Hernandez stated the alcohol was purchased from a licensed distributor last year, but that their business has been slow and the alcohol on premise is from that purchase last year. Attorney

Krueger questioned Mr. Ismael Hernandez why he let the ATEU officers confiscate 300 bottles of alcohol if they had the invoices to account for them. Mr. Hernandez stated he was out of town when this happened and his employees did show ATEU officers invoices, but they were told that they were too old.

Mr. Metter stated there is a contradiction as to the number of people attending events at his business as the Police Department states he is at capacity on weekends. Mr. Ismael Hernandez replied that even though they are at capacity, not all of the people are drinking alcohol. Mr. Ismael Hernandez said that the event he had recently had over 500 people attending but they only sold \$500 worth of alcohol.

Chairman Berkley told Mr. Hernandez that he finds his explanation unacceptable based on the ATEU report. Chairman Berkley made a motion to suspend the license of Adiktion for 60 days, second by Mr. Metter. Motion carried 4-0.

Attorney Krueger explained to Mr. Ismael Hernandez that a Complaint will be prepared and presented to the City Council and a hearing date will be set for three to ten days after that meeting. Attorney Krueger said she would notify Mr. Ismael Hernandez and Mr. Jaime Hernandez by mail of the expected hearing date and enclose a copy of the Complaint.

4. Citizen Comments: None
5. Committee Comments: Chairman Berkley asked Captain Risse if the Police Department was keeping the City parking lot at Fourth Street and West Grand Avenue under surveillance. Captain Risse replied they were monitoring the lot more closely because of loitering problems with Brass Rail, End Zone and Club Impulse. Chairman Berkley stated that on behalf of this committee he commended the Police Department for watching this area where there have been so many problems in the past.
6. Police Department Comments: None
7. Attorney Comments: None
8. At 4:25 p.m. Mr. Vickerman moved to adjourn, second by Mr. Metter. Motion Carried.

Judith A. Elson
Deputy City Clerk