CITY OF STOUGHTON

POLICY REGARDING THE ISSUANCE OF ALCOHOL BEVERAGE OPERATOR'S LICENSES

Purpose. In order to provide an effective and consistent system of alcohol licensing that protects the public safety and is applied in a uniform and equitable manner, the City Council has adopted the following written policy to govern the issuance of alcohol beverage operator's licenses pursuant to Chapter 125 of the Wisconsin Statutes.

Procedure.

I. Intake

A. The Clerk shall furnish applications for alcohol beverage operator's licenses to any interested applicant.

B. If the Clerk receives an application that does not include any required information, the Clerk shall return the application to the applicant to correct any omissions or errors.

C. Upon receipt of a complete license application, the Clerk shall forward the application to the Chief of Police or the Chief's designee (the "Chief") for review.

II. Investigation

A. Upon receipt of a complete license application, the Chief shall conduct an investigation of the applicant's arrest and conviction history.

B. The Chief shall prepare a report that contains the applicant's entire arrest and conviction history. The report shall not include the following:

1. The applicant's arrest record history, except the report shall include information relating to a pending criminal charge for an "exempt offense" or a "violent crime against a child" listed under Appendix A.

2. Information relating to any conviction for a non-felony offense, if the applicant has been convicted of not more than one non-felony offense within the last five (5) years, except the report shall include information relating to convictions for violations of Wis. Stat. ch. 125 (alcohol beverage violations), Wis. Stat. § 346.63 (operating while intoxicated), or any municipal ordinances adopted pursuant thereto.

3. Information relating to any conviction that occurred prior to the date of application, if the applicant produces, for each conviction, competent evidence of sufficient rehabilitation and fitness pursuant to Wis. Stat. § 111.335(d)(1).

4. Information relating to any conviction for any violation under Wis. Stat ch. 346 or any municipal ordinance adopted pursuant thereto, except the report shall include violations of Wis. Stat. §§ 346.62 to 346.64 (reckless and drunken driving), Wis. Stat. §§ 346.93 and 346.935 (intoxicants in vehicle), or any municipal ordinances adopted pursuant thereto.

5. Information relating to any conviction for violations of Wis. Stat. § 343.44(1)(a) and (b) (operating while suspended or revoked), or any municipal ordinances adopted pursuant thereto.

C. Upon the request of the Chief, the Clerk may assist the Chief with the preparation of the report under this section.

D. The Chief and/or Clerk may request that the applicant provide additional information relating to any conviction, including whether the applicant possesses competent evidence of sufficient rehabilitation and fitness pursuant to Wis. Stat. § 111.335(d)(1).

E. The Chief shall transmit the report prepared under this section and any related information received from the applicant to the Clerk.

III. Review by Clerk

A. If the report does not contain any arrest and conviction information, the Clerk shall issue the license to the applicant.

B. If the report contains any arrest and conviction information, the Clerk shall forward the license application, report, and any related information to the Public Safety Committee (the "Committee") for review. The Clerk shall provide notice to the applicant that they may appear before the Committee and that, under state law, the applicant has the right to present evidence of rehabilitation and fitness to the Committee.

IV. Review by Committee

A. Upon receipt of the license application and report, the Committee shall consider the application at its next regularly scheduled meeting.

B. In accordance with Wis. Stat. § 125.17, the Committee shall determine whether the applicant is qualified to hold an operator's license under Wis. Stat. § 125.04(5) based on the following:

1. *Substantial Relationship Test*. The Committee shall determine by majority vote whether any violation listed on the applicant's report is substantially related to the licensed activity. If the Committee determines that no pending charge or prior conviction is substantially related, the Committee shall approve the application and direct the Clerk to issue the license.

2. *Right to Present Evidence*. If the Committee finds that any pending charge or prior conviction is substantially related to the licensed activity, the Committee shall allow the applicant to present evidence that the applicant is rehabilitated and fit pursuant to Wis. Stat. § 111.335(4)(d).

3. *Rehabilitation and Fitness*. The Committee shall determine by majority vote whether the applicant has presented competent evidence of sufficient rehabilitation and fitness for each pending charge or prior conviction that is substantially related to the licensed activity. If so, the Committee shall approve the application and direct the Clerk to issue the license. If the Committee determines that competent evidence of sufficient rehabilitation and fitness has not been demonstrated for any violation, the Committee shall deny the application for a license.

C. If the Committee denies an application for a license, the Committee shall direct the Clerk to prepare a written notice of decision stating the reasons for the denial, including a statement of how the circumstances of the offense relate to the particular licensed activity. The Clerk shall provide such notice to the applicant within 10 calendar days of the date of denial.

V. Appeals

A. Any applicant aggrieved by the denial of a license application may request that the Committee review that determination. The request for review shall state the reason or reasons upon which the applicant contends the decision should be modified or reversed. A request for review shall be submitted to the Clerk within 30 calendar days following the applicant's receipt of the written notice of decision.

B. The Committee shall review the initial determination to deny the license application within 15 days of receipt of a request for review. Such time for review may be extended by mutual agreement with the applicant.

C. The applicant may submit written materials and/or appear before the Committee to present evidence in support of the applicant's position. The Committee may affirm, reverse, or modify the initial determination. The Committee shall direct the Clerk to mail or deliver to the applicant a copy of the Committee's decision on review, which shall state the reasons for such decision and shall advise the applicant of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.

Appendix A

Exempt Offenses and Violent Crimes against Children

Wis. Stat.	Description
940.01	First-degree intentional homicide.
940.02	First-degree reckless homicide.
940.03	Felony murder.
940.05	Second-degree intentional homicide.
940.06	Second-degree reckless homicide.
940.07	Homicide resulting from negligent control of vicious animal.
940.08	Homicide by negligent handling of dangerous weapon, explosives or fire.
940.09	Homicide by intoxicated use of vehicle or firearm.
940.10	Homicide by negligent operation of vehicle.
940.11	Mutilating or hiding a corpse.
948.02	Sexual assault of a child.
948.025	Engaging in repeated acts of sexual assault of the same child.
948.03	Physical abuse of a child.
948.05	Sexual exploitation of a child.
948.051	Trafficking of a child.
948.055	Causing a child to view or listen to sexual activity.
948.06	Incest with a child.
948.07	Child enticement.
948.075	Use of a computer to facilitate a child sex crime.
948.08	Soliciting a child for prostitution.
948.085	Sexual assault of a child placed in substitute care.
948.095	Sexual assault of a child placed by a school staff person or a person who works or volunteers with children.
948.30(2)	Abduction of another's child