From: "Allen D. Reuter" <areuter@rwelaw.net>
Date: January 13, 2021 at 10:23:55 AM CST
To: Matthew Dregne <MDREGNE@staffordlaw.com>
Subject: RE: Thank you

Thank you Matt. By the way, in the process of these cases, a couple of glitches in the Stoughton ordinances came to light that you might want to review and consider recommending amendments to.

- First, sec. 14-31(3)b.4 allows for a suspension as short as 1 day. Sec. 125.12, Wis. Stats. sets the minimum at 10 days.
- Sec. 14-31(3)b.2 provides for a transcript to be provided at the expense of the licensee if requested by the licensee. But Sec. 14-31(3)b.4 requires a transcript in order for most of the council members to vote on the matter. As occurred in both Shaker's hearings, a transcript had to be prepared, but the licensee logically did not request it, since that would just shift the cost to it. Sub b.4 does provide for the licensee to pay the cost of the proceedings if it loses, so the provision requiring payment if the licensee requests it seems unnecessary and unlikely to ever be utilized.
- The process requiring the PSC to issue its report in 20 days means it is unlikely to have a transcript available when preparing the report. The parties will have it when supporting or challenging the report. That gives the challenger of the report an advantage over the committee itself, and inadvertent factual errors in the report would make it more subject to challenge. (In this case, I had access to the virtual meeting recording, so I was able to check those facts where my memory/notes were unclear, but without that, factual errors were more likely). You may want to consider changing the deadline to run from the receipt of the transcript or otherwise adjust the timing (e.g. use more general language like "promptly"), since we know a transcript is going to be prepared one way or the other.
- Sec. 14-31(3)b.4 provides that a suspension or revocation takes effect 7 days after the date of the council's decision. I understand the logic of that provision in the context of suspensions, but a 7 day delay seems inconsistent with the serious threat to public safety that it usually takes to justify revocation. Obviously, that's a pure policy decision, but it struck me as an anomaly.

  These are just suggestions that struck me as I was interpreting the ordinances, but I thought I should share them in case you agree they should be addressed.