

LICENSING COMMITTEE POLICY FOR RECORDS CHECKS & AGENT/ OPERATOR APPROVAL

Modified by Village Board: 4/22/08

The intent of this policy is to provide general guidelines to the Cambridge Village Board and Cambridge Licensing Committee when considering alcohol operator's or agent's license applications for approval. Wisconsin Fair Employment Law will be balanced with a review of an applicant's records checks. This policy is intended to provide consistency and fairness to the review process.

These guidelines shall apply to all individuals, all partners (including limited partners), the officers, directors, and agents of corporations, the members, managers and agents of limited liability companies, and the officers, directors and agents of nonprofit organizations.

APPLICANT RECORDS CHECKS PROCESS

- A. The Administrator/Clerk/Treasurer will consult with Wisconsin Circuit Court (CCAP) and Wisconsin Department of Justice (Time system) records.
- B. Cambridge Police will check municipal records.
- C. Cambridge Police will review records and make approval or disapproval recommendations to Licensing Committee and/or Village Board in consultation with the Administrator/Clerk/Treasurer.

APPROVAL GUIDELINES

- A. The applicant may not have an arrest or conviction record subject, however, to the restrictions of the Fair Employment Act. Thus, a license may be denied for arrest or conviction records only if the circumstances relate substantially to the alcohol beverage licensing activity.
 - 1. Traffic charges other than Operating While Intoxicated and civil offenses will not be considered relevant.
 - 2. A first offense of Operating While Intoxicated will not, in and of itself, result in rejection of an applicant, as such conviction is not a criminal offense.
 - 3. A criminal conviction or pending arrest related to drugs or alcohol within five years of application date will result in the denial of an application. The applicant, together with his or her employer, may then appeal, upon receiving written notice of such denial.

4. First offenses that substantially relate to the alcohol beverage licensing activity that occurred within a year of the application date will be looked at on a case-by-case basis, upon more extensive review of police reports. Circumstances can vary with each incident and will be reviewed in combination with any other issues.
 5. The applicant will be denied if he or she is a habitual law offender with two or more offenses within a relatively short period of time if his or her civil and/or misdemeanor convictions or pending charges substantially relate to the alcohol beverage licensing activity.
 6. The applicant may not have been convicted of a felony that substantially relates to the alcohol beverage licensing activity (see Wis. Stats. 125.04). This will result in denial of the application.
 7. Offenses (pending arrests or convictions) that will be given more weight in respect to denial of a license application and may be considered to substantially relate to the alcohol beverage licensing activity include the following:
 - a. Disorderly conduct convictions, as an operator is required to keep an “orderly house.”
 - b. Serving of alcohol to underage persons.
 - c. Keeping premises open past regulated hours.
 - d. Multiple offenses for drugs and or alcohol, including Operating While Intoxicated within the past five years.
- B. The applicant must be of legal drinking age, except that a person may obtain an operator’s license if he or she is at least 18.
- C. Failure of the applicant to disclose all information on the application may result in denial of an application. The applicant, together with his or her employer, may then appeal, upon receiving written notice of such denial.