

Application for License to Serve Fermented Malt Beverages and Intoxicating Liquors

Non-Refundable Application Fee: \$20.00

Employer: _____

To the Common Council of the **City of Mondovi**, Wisconsin:

I hereby apply for a License to serve, from the date hereof to June 30th, **20**____, inclusive (unless sooner revoked), Fermented Malt Beverages and Intoxicating Liquors, subject to the limitation imposed by Section 125.32(2) and 125.68(2) of the Wisconsin Statutes and all act amendatory thereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations, Federal, State, or Local, affecting the sale of such beverages and liquors if a license be granted to me.

Answer the following questions **completely** (PRINT):

Date of Birth: ____/____/____

Name of Applicant: _____
First Middle Last (Maiden)

Address of Applicant: _____
City State Zip

*(New applicants, please list addresses for the previous 5 years on the back of application)

Phone: (____) _____

Is this application? (Circle) **NEW** or **RENEWAL** - (A license in the state must have been held within the past two years)

If a renewal, where was your license held within the past two years? City / Township / Village of _____

*(Please provide verification of previous license held if it was not in the City of Mondovi.)

As required by State Statues Section 125.17(6), have you completed an approved alcohol awareness course? YES / NO

*(New applicants, please provide a copy of your certificate of course completion dated within the past 2 years.)

Have you ever had a license to serve in another state? YES / NO

Have you ever had such license denied, suspended, or revoked? YES / NO

-If yes, where (city/township/village & State)? _____

Have you ever been convicted of a felony? YES / NO

Have you ever been convicted of any Federal, State, or Local law ordinance violation within the past 10 years? YES / NO

-If yes, explain below: (Be sure to list ALL offenses including alcohol related convictions. Attach another sheet if more space is needed.)

I certify the statements made on this application are complete and true. I understand any false or missing information is grounds for denial. I authorize a background check to be conducted.

Applicant Signature Date ____/____/____

Applications must be filed at City Hall by noon the day before the City Council meets to be considered for approval at that meeting.

OFFICE USE ONLY:

A police and criminal history record have been verified and applicant is accepted by the City of Mondovi Police Chief, _____.

Council Action: **DENIED** **GRANTED** Date _____ (Signature)

CITY OF MONDOVI POLICY GUIDELINES FOR OPERATOR LICENSES

Intent. It is the responsibility of the Mondovi Common Council (“MCC”) to screen applications for operators’ licenses (bartender licenses) in the City of Mondovi. The MCC adopts the following guidelines in order to specify the reasons for denying, non-renewing or revoking an operator’s license.

All applications for operators’ licenses are forwarded to the Mondovi Police Department for a background check. The Mondovi Police Chief or his designee will make a recommendation to the MCC based on the guidelines that follow. The MCC makes the final decision on licensing by either accepting or rejecting the recommendation.

Due to the discretionary nature of the alcohol beverage licensing process, it is not possible to state every circumstance that may result in denial of a license application and what circumstances will result in approval of a license application. However, it is possible to enumerate what the MCC will consider in making its decision and what circumstances are more likely to result in a denial of a license application.

Individuals granted an operator’s license must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintaining the safety of the community. Therefore, individuals with a past history of negative or uncooperative contacts with police agencies will be scrutinized. It is with these goals in mind that these guidelines are adopted.

Furthermore, to the extent Wis. Stat. Ch. 125 or Mondovi Ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the MCC may also rely on such provisions.

In the event an individual with an operator’s license is considered for non-renewal, suspension or revocation, the MCC may consider all offenses, the circumstances of which are substantially related to the license, regardless of whether some of the offenses occurred prior to the adoption of these guidelines.

Upon request, a copy of these guidelines shall be provided to each person who applies for a license.

GUIDELINES

What is meant by substantially related? The law does not specifically define this term although there are many court decisions on the topic. The Wisconsin Supreme Court has stated that the purpose of the test is to assess whether the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed. The “substantially related” test looks at the circumstances of an offense, where it happened, when, what, etc. compared to the circumstances of the licensed activity. Where does the licensed activity typically occur, when, what is involved in performing the licensed activity, etc. Examples of “substantially related” in the context of an operator’s license: There is a substantial relationship between the illegal purchase, use and sale of controlled substances and engaging in bartending, which involves the purchase and sale of a closely regulated substance. The same is true for offenses involving alcohol, e.g. drunk driving, selling to underage, possessing and/or consuming as an underage, committing law violations while under the influence of alcohol or drugs, etc.

Guideline 1. Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of any felony, unless duly pardoned, does not qualify for an operator’s license. Sec. 125.04(5)(b), Wis. Stats. (To the extent the other guidelines reference a specific offense, this guideline shall apply if the offense constitutes a felony.)

Guideline 2. Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of or has a current charge pending, for one (1) or more offenses within the last five (5) years or for two (2) or more offenses, arising out of separate incidents, within the last ten (10) years in the following subcategories, does not qualify for an operator’s license:

- (a) Violent crimes against the person of another, including but not limited to battery, disorderly conduct, sexual assault, injury by negligent use of a vehicle, intimidation of victim or witness.
- (b) Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, resisting or obstructing a police officer, bribery of public officers/employees, eluding police, bail jumping, hit and run, perjury, or acts/threats of terrorism.
- (c) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; maintaining a drug trafficking place; possessing with intent to manufacture, distribute, or deliver a controlled substance or a controlled substance analog. Sec. 111.335(1)(cs), Wis. Stats.

Guideline 3. Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of or has a current charge pending, for two (2) or more offenses, arising out of separate incidents, within the last five (5) years in the following subcategories, does not qualify for an operator’s license:

- (a) Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
- (b) Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Mondovi Ordinance - excluding administrative violations such as “failure to post license under glass”).
- (c) Possessing a controlled substance, controlled substance analog without a valid prescription, or possessing drug paraphernalia.
- (d) Operating a motor vehicle while under the influence of intoxicants or drugs.
- (e) Operating a motor vehicle with a prohibited alcohol concentration (PAC) in excess of .08% by weight.
- (f) Open intoxicants in public places or in a motor vehicle.

What is a “habitual law offender?” The term “habitual” refers to multiple convictions or pending charges and could include an offender with two (2) offenses occurring within a relatively short period of time. The term “offender” refers to a person with civil violations such as ordinance convictions and/or misdemeanor convictions (or pending charges), which substantially relate to the licensing activity. A legal opinion rendered by the League of Wisconsin Municipalities states that a person with two drunk driving convictions within the last couple of years would be considered an habitual offender under the alcohol beverage licensing laws. Intoxicating Liquors #890 (1991).

Guideline 4. Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who is a habitual law offender does not qualify for an operator’s license. Sec. 125.04(5)(b), Wis. Stats. For purposes of these guidelines, a habitual offender includes, but is not limited to a person who has committed:

- (a) Two (2) or more offenses, each a separate incident, within the immediately preceding one (1) year.
 - (b) Three (3) or more offenses, each a separate incident, within the immediately preceding five (5) years.
 - (c) Six (6) or more offenses, each a separate incident, within the preceding ten (10) years.
- Note: A person may be a “habitual law offender” under this section without having been convicted of a crime. See Smith v. Oak Creek

Guideline 5. Applicants must truthfully and completely fill out applications.

- (a) If an applicant provides false information on an application, that application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one (1) year from the date of denial of such application.
- (b) If the MCC determines that information was intentionally omitted from an application, the application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one (1) year from the date of denial of such application.
- (c) If the MCC determines that information was omitted from an application due to inadvertence, mistake or excusable neglect, the MCC may allow the applicant to submit a corrected application and recommend granting of the license if the applicant is otherwise qualified.

Guideline 6. Recommending approval of an operator’s license application for an applicant who would otherwise be denied under these policy guidelines.

- (a) The MCC may recommend approval of an operator’s license application if the application would otherwise be denied under this policy if the applicant presents the MCC with substantial, credible evidence of rehabilitation. Such evidence includes letters of recommendation from Alcohol and Other Drug (“AODA”) counselors, probation agents or other relevant service providers, other professional counselors, certificates and/or letters confirming satisfactory completion of an AODA or other relevant counseling program. Any such letters shall be on the letterhead of the agency offering the recommendation in order for the letter to be considered credible evidence of rehabilitation. Any evidence must be in the form of documents submitted to the MCC and may not be statements of the applicant at the time of hearing.
- (b) The reasons for any recommendation of approval of an operator’s license application under this paragraph must be clearly stated in the record.

Guideline 7. If the MCC recommends denial of an operator’s license application, the reasons for denial must be clearly stated on the record and shall be consistent with the criteria outlined above.

APPEAL PROCESS FOR DENIED LICENSE APPLICATION

Any applicant denied an operator’s license has the right to file a written appeal with the City Clerk within thirty (30) days. It will be placed on the agenda of a regularly scheduled Council meeting as soon as possible.