

CITY OF WAUWATOSA
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LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE

Tuesday, April 9, 2002

Committee Room #2

PRESENT: Alds. Ecks, Treis, Herzog (6:48 p.m.), Krol (7:02 p.m.), McCarthy,
Stepaniak (6:48 p.m.) – 6

ALSO PRESENT: Mayor Estness; A. Kesner, City Attorney; Capt. Bozicevich,
Police; P. Coffaro, Assistant to Administrator

Ald. Ecks as Chair called the meeting to order at 6:45 p.m.

Memo by Police Captain John Bozicevich regarding recent liquor law license checks

Capt. Bozicevich explained to the committee that in the months of February and March, 2002 the police department conducted two types of liquor law checks.

The first category consisted of two uniform police officers making unannounced checks of businesses that currently hold liquor licenses. The officers checked for compliance in areas such as proper display of the license, a questionable age book on premises and valid operator's licenses. Forty-eight businesses were checked with thirty-two of them having some type of violation.

Twenty-five of the thirty-two businesses did not have a questionable age book. Capt. Bozicevich passed out copies of Ord. 6.08.500-Licensees to maintain a signature book. He explained this is not a well known law and that he and his officers had used the check as an opportunity to educate business owners and managers about the need for this book.

Another area of concern was that seventeen of the businesses checked had some type of operator license violation. Capt. Bozicevich explained that many of the businesses were under the impression that in order to be compliant with the law, the person holding the valid license merely had to be on the premises. The correct interpretation of this law is that the licensee must be able to see the employees serving alcoholic beverages at all times. Many of the businesses needed to have additional licensed operators. This violation was also used as an opportunity to educate owners and managers in the law.

Capt. Bozicevich told the committee that in general the businesses were very cooperative and the violations were mostly technical in nature. He also said that the businesses were given time to come into compliance with the law. They were given ten days to either comply or have a plan in place to come into compliance.

The officers gave all the owners and managers Capt. Bozicevich's name and phone number and told them to call him with any questions or concerns. Capt. Bozicevich told the committee that several of them had called but there were really no complaints.

(Ald. Krol arrived 7:02 p.m. - 6)

Capt. Bozicevich told the committee that he intends to do the liquor law checks twice a year. He suggested that the committee may want him to report on the results of these checks. It may be helpful for the committee to understand what the police are doing in regards to these liquor laws. He also stressed the importance of educating business owners and managers in the liquor laws.

The second type of check conducted was a "sting" operation. The operation consisted of two juveniles who entered the business under the watch of two plain clothes officers. The juveniles ordered alcohol and if asked for I.D. would say they had none. They would leave the business without drinking the beverage if served. The officers would later arrest any offending server. Thirty businesses were checked for this violation. Eight of the businesses were in violation. This type of violation is more than just technical in nature and municipal citations were issued. Capt. Bozicevich asked for direction from the committee. Under state law the owner of a business is just as responsible as the person serving alcohol to a minor. Capt. Bozicevich explained it has been his practice to cite the owner only when three of these violations occur within a short time. He will continue this practice unless otherwise directed by the committee. During the discussion that followed it was decided that Capt. Bozicevich should continue his current protocol in regard to citing the business owners.

Moved by Ald. McCarthy, seconded by Ald. Herzog to report
back to the committee on further liquor law license checks in
6 months --

There was further discussion as to how the business owners are informed of problems in their establishments. In response to Ald. Krol's questions Capt. Bozicevich told the committee that during the recent checks the officers spoke with all of the business owners. The committee commended Capt. Bozicevich on the manner the recent checks and stings were conducted and on how the violations were handled by him and his officers.

Vote on the motion was, Ayes: 6

Request to serve beer at Hart Park on July 4, 2002 by the Civic Celebration Commission

The Civic Celebration Commission was represented by Sherryl Wedel, 6131 Washington Circle. Ms Wedel told the committee that there has been beer sold on the 4th of July at Hart Park for many years. The hours of sale would be approximately 10:30 a.m. until 9:30 p.m. The commission is attempting contact the Lions Club to handle the actual sale of the beer. She also noted that they intend to structure the beer sales so they will not be in competition with the band booster clubs who will also be selling items at Hart Park.

Both Mayor Estness and Capt. Bozicevich said there have been no problems in the past and they have no objections to granting the temporary license.

Moved by Ald. Herzog, seconded by Ald. McCarthy to recommend approval – 6

Application for an operator license by Allison Crawford, 8229 W. Concordia Avenue, Milwaukee

Ald. Ecks told the committee that the City Clerk's office had been contacted by Ms Crawford's family. Ms Crawford will be incarcerated until the middle of May, 2002. She asks that her license application not be acted on until she can be present at the committee meeting.

Moved by Ald. Stepaniak, seconded by Ald. Krol to hold the application until May 28th, 2002 – 6

Application for an operator license by Justin Foster, 1513 S. 80th Street, West Allis

Mr. Foster told committee that he has worked at the Rosebud Cinema as a second job since it opened in 1997. He admitted he has made mistakes. He is now married with a family to support and is trying to move on.

Capt. Bozicevich told the committee that he is familiar with the owner and the establishment. The police have had no problems with them. He also noted that Mr. Foster listed his offenses and their dispositions on his application.

The committee questioned Mr. Foster and discussed his violations.

Moved by Ald. McCarthy, seconded by Ald. Stepaniak to recommend approval – 6

Application for an operator license by Ken Knuth, 1612 S. 76th Street #207, West Allis

Mr. Knuth told the committee that he has just recently started working at Red Lobster. He has already taken the Responsible Beverage Server class. He is working at Red Lobster to support himself while he attends MATC.

Capt. Bozicevich told the committee that Mr. Foster did note violations on his application but didn't list them all. This seems to be somewhat inconsistent.

Ald. Krol pointed out that Mr. Knuth's offenses occurred when he was aged 18 or 19 and that he is now aged 25.

Moved by Ald. McCarthy, seconded by Ald. Krol to recommend approval – 6

Application for an operator license by Renee Arter, N25 W24037 River Park Drive #10, Pewaukee

Ms Arter told the committee that she has worked for Shepard's of Tosa for eleven years with no violations. Her first citation was received on February 26, 2002 and her court date is not until April 24, 2002.

Capt. Bozicevich said Ms Arter has no criminal record and that her driving record is unremarkable however, this recent citation is troubling as it relates directly to her job responsibilities.

Moved by Ald. Herzog, seconded by Ald. Stepaniak to hold the application until April 30, 2002 – 6

Application for an operator license by Deborah Rooney, 2934 S. 33rd Street, Milwaukee

Ms Rooney told the committee that the warrant for her arrest was the result of a computer problem in Jefferson County. She is still working with the authorities to clear the matter up.

Capt. Bozicevich told the committee that because the violation was so recent it's difficult find out the status. The violation appears to be a misdemeanor.

Moved by Ald. Herzog, seconded by Ald. Krol to recommend approval – 6

Operator license applications forwarded by the City Clerk for review

The committee discussed the applications of Teron Bowen, Raymond Nickel, Patrick Reid and Margaret Holsclaw.

Moved by Ald. Treis, seconded by Ald. Stepaniak to invite the applicants to appear before the committee – 6

The meeting adjourned at 7:54 p.m.

Carla A. Ledesma, CMC
City Clerk

dmh