



MINUTES OF A REGULAR MEETING OF THE **LEGISLATIVE & LICENSING COMMITTEE** HELD ON TUESDAY, **JUNE 18, 2019** AT **7:15 P.M.** IN THE SELIGENSTADT (MAIN) CONFERENCE ROOM, 2000 NORTH CALHOUN ROAD, BROOKFIELD, WISCONSIN

ALDERMAN GARY MAHKORN PRESIDING

MEMBERS PRESENT: Alderman Brad Blumer, Alderman Bill Carnell, Alderman Buck Jurken, Alderman Gary Mahkorn, Alderman Jeff McCarthy

OTHERS PRESENT: City Attorney Jenna Merten, City Clerk Kelly Michaels, Daniel Oakes, Jennine Paoli, Paul Thompson, Troy Altreuther, Corey Harris, Morgan Sampson, Aly Kuhlman

1. Chairman Mahkorn noted a quorum was present and called the Legislative & Licensing Committee to order at 7:17 p.m.
2. Announcements:
 - a. The next regularly scheduled meeting is Tuesday, July 16, 2019.
3. Minutes
 - a. Minutes of the June 4, 2019 meeting.

Motion by Alderman Jurken, second by Alderman Carnell to approve the June 4, 2019 meeting minutes as presented. Motion carried 5-0.

4. Old Business
 - a. Resolution regarding a Renewal Bartender License for an applicant with a record less than 18 months: Daniel M. Oakes.

Daniel Oakes and Jennine Paoli appeared before the committee and introductions were made.

Alderman Mahkorn asked Mr. Oakes to explain the circumstances surrounding the OWI violation. Mr. Oakes acknowledged he had made some poor choices. He was out with friends and there had been a disagreement. Due to the amount of alcohol, he was not in a good place, emotionally. Alderman Mahkorn asked Mr. Oakes to be more specific with the details. Mr. Oakes said it was a Monday and he had the day off. He spent the night at a friend's house and then went to get tacos downtown. Unfortunately, the restaurant was not serving the tacos they wanted. They then went with some other friends for drinks in downtown Milwaukee, then to El Corzone for tacos. Then they went back to Pewaukee to Artisan 179 for crab cocktails. Then went to For Keeps. It was at that point there was a disagreement and he wanted to take

his friend home as he realized he was done for the evening. Due to the nature of the relationship, he was upset that he let himself get into a difficult situation.

Alderman Mahkorn noted that Mr. Oakes had made a number of stops during the night. He asked Mr. Oakes what he was drinking. Mr. Oakes stated a little of everything. Alderman Mahkorn asked what his BAC was. Mr. Oakes said he blew a .28. Alderman Mahkorn noted the report said he had a BAC of >.15 and an ignition interlock was placed on Mr. Oakes vehicle. Mr. Oakes agreed and noted he was pulled over on I-94. Alderman Mahkorn questioned why he was pulled over. Mr. Oakes replied he had totaled his vehicle. He added when the officer arrived, he was given a field sobriety test, arrested, and then put into 'book and release'. He stated he was held in the Milwaukee County jail for 15 plus hours. Since then, he has time to reflect on the choices he made and why he made them. Alderman Mahkorn asked what has happened to him since that time. Mr. Oakes indicated he has maintained sobriety and has worked to deal with those particular issues that impacted his decisions. He has reflected on the troubles the event has caused him, and did not want this type of situation to happen again. He also wanted to deal with the situations that were leading to the choices he was making. He noted he was very unhappy in his life; he felt he was not making enough money; he was turning 26 or heading into 'adulthood' and there has been a lot of changes that he just was not dealing with well.

Alderman Mahkorn questioned if Mr. Oakes he had taken any alcohol assessment classes. Mr. Oakes indicated he went to Impact for his assessment. The counselor asked him many questions however he did not determine that he was an alcoholic or abusing alcohol. He was on the edge though and requested to go to Serenity Recovery Clinic, through a recommendation. He has been working with John, who has been very helpful, as an outpatient. He noted it has been a very overwhelming situation, with everything that was required of him. The assessment was inconclusive, which meant it did not tell how often he drank, how much he drank. After the assessment, he moved to a new home, has been working as many hours as possible to pay the costs surrounding the OWI conviction. He has also obtained an Occupational License.

Alderman Mahkorn asked Mr. Oakes how long he has worked a Saloon on Calhoun. Mr. Oakes answered just over 2 years. Alderman Mahkorn questioned what type of counseling Mr. Oakes was taking. Mr. Oakes stated he is still in counseling with John at Serenity Recovery Clinic. Mr. Oakes said he has learned a lot, such as being honest with himself as to why the alcohol consumption and abuse took place. How it has affected him and those around him. It has given him a different outlook when hanging out with friends in the industry and observing their behavior. He realizes he no longer wants to mimic their behavior.

Alderman Mahkorn asked Ms. Paoli to explain what it is like to have Mr. Oakes as an employee. Ms. Paoli said Dan started as a server/bartender. She noted that she cross trains all bartenders as servers to be able to offer them more hours. Dan jumped right in with no apprehension. Many bartenders are 'stuffy', they only want to bartend. She said Dan was not like that, he jumped right in and started helping with managerial duties without being asked. When she and Dave Derler (co-owner) came up with the concept of shift leaders as a manager to work under her, on her team. Dan was the first person they offered this position too. Dan excelled beyond helping

out. He would pick up host shifts; whatever the business needed. With the role of shift leader, Dan has been one of the most trusted employees and a dear friend of hers and Mr. Derler's. It is very difficult, especially in the food industry, to find an employee that is honest, reliable and accountable.

Ms. Paoli added that when she has a drink special, the employees have a taste test, through a straw, to be able to explain the drink to the guests. Dan refuses to take a sip of alcohol. Dan has a credible 'nose' for cocktails/wine pertaining to balance and explaining drinks to guests. Alderman Mahkorn questioned what the policy is for serving guest. Ms. Paoli stated they believe in safe serving. If any bartender is uncomfortable in serving someone there are no questions asked, the guest is cut off.

Alderman Mahkorn noted the clientele is made up of many younger people. He asked Mr. Oakes, what the policy is for checking ID's and how does he abide by the policy. Mr. Oakes replied, to be completely honest, he cards many people, especially those that look his age or younger. Ms. Paoli added that most of their clientele are between 35 and 60 years of age and they are very strict on serving alcohol.

Alderman Mahkorn asked Mr. Oakes, how he feels serving someone who has had enough alcohol. Mr. Oakes stated it becomes an unpleasant situation as people feel they are in control. He feels he is blessed, as Dave and Jennine are there for support, as he has had to make those calls and gotten 'called out' the next day or week or 'blasted' on Facebook. Dave and Jennine always had his back for making a difficult decision. Ms. Paoli stated they would pay for a Uber for a guest, paid out of the business account. They do not tow cars and they do not reprimand guests for leaving cars in parking lot.

Alderman Mahkorn added that Mr. Oakes would not be before the board if this were an Original Bartender/Operator's license due to the city's guidelines for consideration of licenses. As this is a Renewal application, Mr. Oakes has certain property rights. This does not mean you have 'cart blanc' to violate our standards. A Renewal application just raises the threshold of our review process.

Attorney Merten explained what the property rights are for a Renewal license. She summarized that due to a violation, if the committee finds they want to proceed with a Summons and Complaint for a non-renewal hearing, they would make a motion to do so. If you decide to go this route, a hearing date would be set, where evidence would be provided by both sides, and the committee would determine if Mr. Oakes has the character and fitness to retain the license. There would be conclusions, findings and facts. Once this is complete, it goes to the Common Council for a full vote. Alderman Mahkorn noted this is a 'cumbersome' event, but it does not mean we should not have it. Attorney Merten noted it would not be that cumbersome, if the committee determines non-renewal due to the evidence, ie., the OWI conviction and what the applicant has told you. The city would obtain the certified conviction record and complaint; this would be your evidence. The city has never held a non-renewal hearing.

Alderman McCarthy wanted to commend Mr. Oakes for appearing before the committee and sharing his story. He also thanked Ms. Paoli for being a character witness. He noted that the committee struggles with renewal licenses, as there are

property rights. He noted he sees that Mr. Oakes was in a very dark place but has emerged from that and congratulated him on the work he is doing on himself. He noted he supports a license for him.

Alderman Blumer noted that these types of situations keep getting harder and harder. He also appreciated Mr. Oakes coming before the committee to explain the circumstances. He stated he is struggling with balancing the severity of this mistake with the city's standards. He noted is was not concerned with Mr. Oakes ability to be a bartender in the city, but when you compare it to the severity of the violation and recent time frame, he was on the fence.

Alderman McCarthy added that in the time he has served on the committee, he has not seen a BAC as high as .28. Alderman Mahkorn was not surprised due to the number of stops Mr. Oakes made, the mixing of alcohol noting he drank a little of everything. He stated alcohol can really distort someone's thought process to the point of danger. We are hoping that since this violation was a life-altering situation, it sent you onto the right path. He stated he was also inclined to support Mr. Oakes. He feels there is no need to go through with a Summons and Complaint procedure at this time.

Motion by Alderman McCarthy, seconded by Alderman Jurken to approve a Renewal Bartender/Operator license for Daniel M. Oakes. Motion carried 5-0.

- 5. New Business
 - a. Resolution regarding a Renewal Class B Beer and Class C Wine License for an applicant with a violation within the current license year:

BTH Pizza LLC; d/b/a: Blaze Pizza
17530 W. Bluemound Road; Agent: Paul S. Thompson

Paul Thompson appeared before the committee and introductions were made.

Alderman Mahkorn asked Mr. Thompson to explain the company's procedures, training or guidelines so this type of violation does not happen. Mr. Thompson explained that Blaze Pizza has strict rules and policies that need be followed. They are monitored by their own staff and a third party that does inspections to make sure all laws are being followed. For this violation, there is just negligence on the leadership in the restaurant. We did not do our jobs. The manager that runs the day to day operation and the general manager are aware of the situation and the next time compliance checks come around, everyone will be licensed.

Mr. Thompson added the business sells only beer and wine, which make up approximately 2% of sales. We have to do a better job. Alderman Mahkorn asked what specific steps Blaze Pizza has made since the violation. Mr. Thompson stated all the employees that needed to, renewed their licenses. They have been proactive in making sure. Alderman McCarthy stressed there needs to be internal policies in place.

Motion by Alderman Jurken, seconded by Alderman McCarthy to approve a Renewal Class B Beer and Class C Wine license for BTH Pizza LLC; d/b/a: Blaze Pizza. Motion carried 5-0.

- b. Resolution regarding a Renewal Class B Beer and Liquor License for an applicant with a violation within the current license year.

Central Florida Restaurants Inc; d/b/a: TGIFriday's
17430 W. Bluemound Road; Agent: Troy M. Altreuther

Troy Altreuther, Agent and Corey Harris, Director of Operations, appeared before the committee and introductions were made.

Alderman Mahkorn asked the applicant to explain the circumstances surrounding the violation. Mr. Harris stated when the violation happened there had been turnover in staff and management. He added that Mr. Altreuther was licensed along with other employees. Then, Mr. Altreuther was promoted to General Manager and the other General Manager was moved to Greenfield. In the process, the current managers coming in, did not get a bartender license. Now, when managers are transferred to the Brookfield TGIFriday's, they will apply for a bartender license. The training will be completed beforehand and the same process applies to the bartenders and servers.

Mr. Harris added that he is an Illinois resident and did not know of the Wisconsin laws pertaining to bartender/operator licenses. He has worked with TGIFriday's for 23 years, however he was new to his current position. The company is very passionate about, what they call 'serving up responsible fun'. Making sure, they are not overserving their customers and being good ambassadors to the community. We have a 40 and under carding policy. They had spoken with their attorneys to make sure they were doing the right things. Mr. Harris referenced a letter that was given to the committee explaining TGIFriday's training procedures and how, going forward, they will comply with the city's licensing regulations.

Alderman Mahkorn felt this was a one-time lapse in judgement and the company is putting a policy in place so this type of situation does not happen again. He felt that TGIFriday's is on top of things regarding serving patrons.

Motion by Alderman McCarthy, seconded by Alderman Blumer to approve a Renewal Class B Beer and Liquor License for Central Florida Restaurants Inc; d/b/a: TGIFriday's. Motion carried 5-0.

- c. Resolution regarding a Class B Beer and Liquor licensed premise requesting a premise description expansion for a temporary use event.

Brunch
18895 W. Capitol Drive, Suite 103
'Talk of the Towne: Beer Garden'

Premise expansion to include adjacent East parking lot
Saturday, August 17, 2019 – 2 p.m. to 6 p.m.

Morgan Sampson, Brunch Owner and Agent, and Ally Kuhlmann, 360 Direct, appeared before the committee and introductions were made.

Attorney Merten stated she had spoken with Clerk Michaels in regards to the work she has done with the applicant in order to put together a plan for the event. Alderman Blumer asked if the application is reviewed by the Police Department. Clerk Michaels explained the application process involves several steps including a temporary use permit for the event itself and then the alcohol part is the expanded premise for the area that is contiguous to Brunch’s licensed premise on the event dates. The expansion into that area is reviewed by the L&L Committee.

Alderman McCarthy asked if this is a Brunch event or a Towne Centre event. Ms. Kuhlmann said it is a Towne Centre event, however Brunch is sponsoring the beer garden and will be responsible for the alcohol service with the expanded premise.

Motion by Alderman Blumer, seconded by Alderman Jurken to approve a premise description expansion for a temporary use event for Brunch, 18895 W. Capitol Drive. Motion carried 5-0.

Items 5d, 5e and 5f were taken together.

d. Resolution regarding applicants for Original Bartender/Operator Licenses.

Aguilera, Anabel	Marinich, Julie A.	Scannell, Krystal R.
Bao, Xin Xin	Pomplin, Peggy J.	Serkowski, Jennifer K.
Calhoun, Seth M.	Reiter, Mary C.	Spahn, Erika L.
Czaplewski, Amber L.	Sanchez, Joseph	

e. Resolution regarding applicants for Renewal Bartender/Operator Licenses.

Allen, David A.	Heiting, Jason J.	Quilling, Michelle R.
Baranowski, Noelle C.	Kilishak, Kali L.	Regalis, Chayna J.
Bruekner, Karen A.	Kotsakis-Wood, Chrysoula	Rezek, Justin R.
Brunner, Sarah R.	Lamonte, Michael A.	Schmidt, Catherine
A.Castro, Viridiana E.	Majkowski, April J.	Szidon, Michele R.
Collelo, Kathryn A.	Majkowski, Ashley M.	VanHovelIn, Barbara K.
Couto, Alexia D.	McCarthy, Debra A.	Warren, Monica E.
Dobratz, Mark W.	Nowak, Duane R.	Weber, David J.
Harding, Alana R.	Phillips, Michael R.	

f. Resolution regarding applicants for Renewal Alcohol Licenses.

CLASS B BEER

Portillo’s Hot Dogs LLC; D/b/a: Portillo’s Hot Dogs
17685 W. Bluemound Road; Agent: Krystynn N. Taylor

CLASS A BEER & LIQUOR

Danielle's Deli LLC; D/b/a: Danielle's Deli
15655 W. North Avenue; Agent: Danielle N Glavin

CLASS B BEER & LIQUOR

Food First Global Restaurants Inc.; D/b/a: Bravo Cucina Italiana
95 N. Moorland Road, A147; Agent: Kate M. Parkhurst

Franklynn Development LLC; D/b/a: Brookfield Indoor Soccer Complex
19485 W. Lisbon Road; Agent: Frank G. O'Connor

Virani Enterprises LLC; D/b/a: Ground Round
1005 S. Moorland Road; Agent: Peter D. Pfaffenbach

Beverly Bart LLC; D/b/a: Mr. B's – A Bartolotta Steakhouse
18380 W. Capitol Drive; Agent: John M. Wise

MSP LLC; D/b/a: Pistol Pete's Neighborhood Grill
16755 W. Lisbon Road; Agent: Peter A. Faraciano

Red Robin International Inc.; D/b/a: Red Robin
95 N. Moorland Road, Unit C; Agent: Daniel T. Collicott

Andy Rad Inc.; D/b/a: Saloon on Calhoun with Bacon
17000 W. Capitol Drive; Agent: Jennine M. Paoli

RESERVE CLASS B BEER & LIQUOR

Blazin Wings Inc.; D/b/a: Buffalo Wild Wings
16750 W. Bluemound Road, Suite B; Agent: Kali L. Kilishek

Motion by Alderman McCarthy, second by Alderman Jurken to approve Original Bartender/Operator Licenses, Renewal Bartender/Operator Licenses, and Renewal Alcohol Licenses respectively (Items 5d-5f). Motion carried 5-0.

Motion by Alderman McCarthy, second by Alderman Blumer to adjourn the Legislative & Licensing Committee meeting. Motion carried 5-0. Meeting adjourned at 8:10 p.m.

Minutes respectfully submitted by Kelly Michaels, City Clerk