

**APPLICATION FOR OPERATOR'S LICENSE
TO SERVE FERMENTED MALT
BEVERAGES AND INTOXICATING LIQUORS**

TO THE CLERK OF THE VILLAGE OF FOX POINT, WISCONSIN:

I hereby apply for a license to serve, from date hereof to June 30, 20___, inclusive (unless sooner revoked), Fermented Malt Beverages and Intoxicating Liquors, subject to the limitations imposed by Chapter 125 of the Wisconsin Statutes and all acts 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 is granted to me.

PLEASE ANSWER THE FOLLOWING QUESTIONS FULLY AND COMPLETELY:

Date _____ Place of Employment _____

New License or Renewal License

Name _____

	First	M.I.
Last	First	M.I.

Male or Female

Address _____ City _____

State _____ Zip _____ Date of Birth _____

Social Security No. _____ Phone Number _____

Drivers License No. _____ State _____ Expiration Date _____

Wisconsin Statutes 125.17(6) state that an operator's license may not be issued unless the applicant has successfully completed a beverage server training course offered by a vocational, technical, or adult education district unless the applicant is renewing an operator's license, completed such a training course within the last 2 years, or held a Class "A", Class "B", "Class A" or "Class B" license or a manager's or operator's license within the last 2 years.

Have you successfully completed such a course? _____

Place of Instruction _____ Date Completed _____

Have you held an operator's license within the last two years? _____

Name of Municipality _____ Term of License _____
(If known, please provide year issued and year of expiration.)

All new applications must be accompanied by proof that the applicant has completed the beverage server training course or proof that the applicant has held an operator's license within the last 2 years.

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Have you ever been convicted of any felony or misdemeanor for violation of any Federal law, any Wisconsin law, or any laws of any other state or ordinances of any other municipality? _____
If yes, give law or ordinance violated, trial court, trial date, and penalty imposed, and/or date, description and status of charges pending.

Have you ever been convicted of violating any license, law, or ordinance regulating the sale of beverages or intoxicating liquors? _____ If yes, give law or ordinance violated, trial court, trial date, and penalty imposed, and/or date, description and status of charges pending.

I certify that I am the person who made and signed the foregoing application for an Operators license and that all the statements made by the applicant are true and correct.

Applicant's Signature

Date

Subscribed and sworn to before me this _____ day of _____, 20_____.

My Commission expires _____
Notary Public, State of Wisconsin

VILLAGE OF FOX POINT USE ONLY

License Fee: \$120- Good for two licensing years

Receipt No. _____ Date Paid _____

Date License Issued _____ License Number _____

License Good From _____ to _____

Has the applicant successfully completed the responsible alcohol beverage training course or held an operator's license within the last two years?

Yes or No

Has the granting of a license been approved by the Police Department?

Yes or No

GUIDELINES FOR THE ISSUANCE OF LIQUOR LICENSES / OPERATOR LICENSES

It is the responsibility of the Fox Point Police Chief to screen applications for liquor licenses and operators' licenses (bartender licenses) for the Village of Fox Point. The Fox Point Police Chief makes a decision on licensing by either accepting or rejecting the application. The following guidelines are adopted in order to specify the reasons for denying, non-renewing or revoking an operator's license, and outlines the steps for any denials that are appealed to the Fox Point Village Board.

Due to the discretionary nature of the alcohol beverage licensing process, it is not possible to state every circumstance that may result in approval of a license application and what circumstances will result in approval of a license application. However, it is possible to enumerate what will be considered in the decision-making and what circumstances are more likely to result in the 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 maintain 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 that Wisconsin Statutes Chapter 125 or Fox Point Village Ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the Police Chief may also rely on such provisions.

In the event an individual with an operator's license is considered for non-renewal, suspension or revocation, all offenses will be considered, 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.

DEFINITIONS:

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 and 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, possession and/or consuming as an underage, committing law violations while under the influence of alcohol or drugs, etc.*

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 years would be considered a habitual offender under the alcohol beverage licensing laws.¹

Examples of “Habitual Law Offenders”:

- *Two (2) or more offenses, each with a separate incident, within the immediately preceding one (1) year.*
- *Three (3) or more offenses, each a separate incident, within the immediately preceding five (5) years.*
- *Six (6) or more offenses, each a separate incident, within the preceding ten (10) years.*

GUIDELINES:

- **Guideline 1.**

Provided the offense is substantially related to the circumstances of the license activity, any person who has been convicted of any **FELONY**, unless duly pardoned, does not qualify for an operator’s license.² (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 two (2) or more offenses within the last seven (7) years, arising out of separate incidents, in the following subcategories, does not qualify for an operator’s license:

- 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 a victim or witness.
- 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.
- 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.³

- **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 seven (7) years in the following subcategories, does not qualify for an operator’s license:

1 Intoxicating Liquors #890 (1991).

2 Wisconsin Statute §125.04(5)(b)

3 Wisconsin Statute §111.335(1)(c)

- 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 Wisconsin State Statute Chapter 125.
 - Alcohol beverage offenses (under Wisconsin State Statute Chapter 125 or Fox Point Village Ordinances).
 - Possessing a controlled substance, controlled substance analog without a valid prescription, or possessing drug paraphernalia.
 - Operating a motor vehicle while under the influence of intoxicants or drugs.
 - Operating a motor vehicle with a prohibited alcohol concentration (PAC).
 - Open intoxicants in a public places or in a motor vehicle.
- **Guideline 4.**
Applicants must truthfully and completely fill out applications:
 - 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.
 - If the Police Chief 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 the denial of such application.
 - If the Police Chief determines that information was OMITTED from an application due to inadvertence, mistake or excusable neglect, the Chief may allow the applicant to submit a corrected application and recommend granting of the license, if the applicant is otherwise qualified.
 - **Guideline 5.**
If the Police Chief recommends denial of an operator's license application, the reasons for the denial must be clearly stated on the record and shall be consistent with the criteria outlined above.

APPEAL PROCESS FOR DENIED LICENSE APPLICATION

If the Police Chief recommends denial of an operator's license application, the applicant has the right to file an appeal with the Village Clerk, and appear and be represented before the Village Board, to be heard, to present evidence in favor of the granting of the license, and to rebut the evidence presented in opposition to the granting of the license, at a hearing.