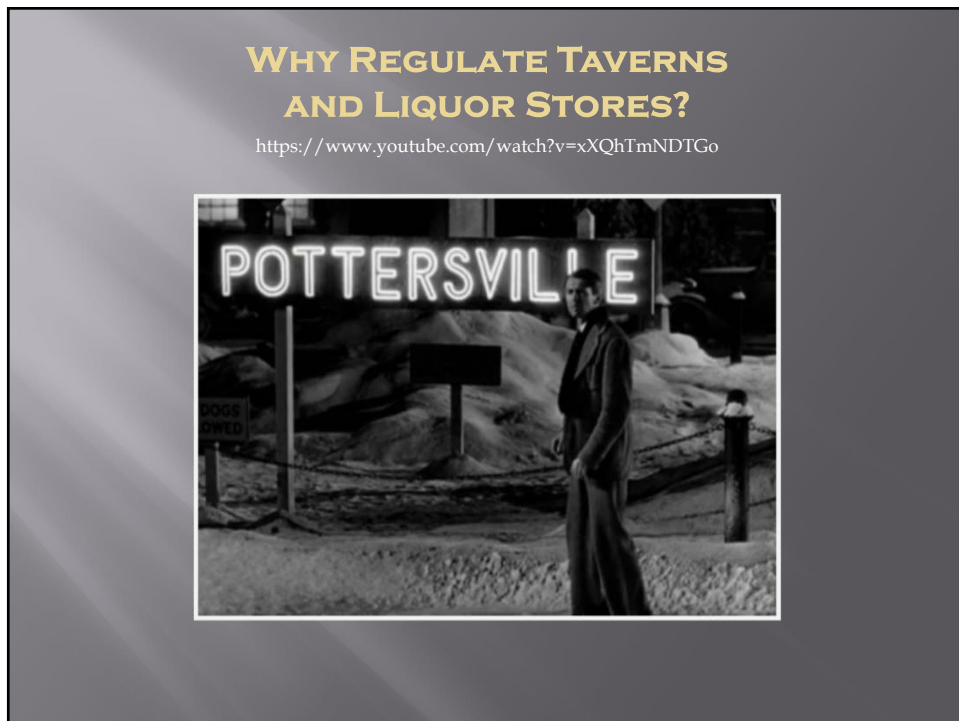


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2

STATE LAW GOVERNS LIQUOR LICENSING

- ▣ WISCONSIN STATUTES §125.01. LEGISLATIVE INTENT. THIS CHAPTER SHALL BE CONSTRUED AS AN ENACTMENT OF THE LEGISLATURE'S SUPPORT FOR THE 3-TIER SYSTEM FOR ALCOHOL BEVERAGES PRODUCTION, DISTRIBUTION, AND SALE THAT, THROUGH UNIFORM STATEWIDE REGULATION, PROVIDES THIS STATE REGULATORY AUTHORITY OVER THE PRODUCTION, STORAGE, DISTRIBUTION, TRANSPORTATION, SALE, AND CONSUMPTION OF ALCOHOL BEVERAGES BY AND TO ITS CITIZENS, FOR THE BENEFIT OF THE PUBLIC HEALTH AND WELFARE AND THIS STATE'S ECONOMIC STABILITY.
- ▣ WISCONSIN STAT. CHP. 125 GOVERNS THE ISSUANCE, RENEWAL, SUSPENSION, NONRENEWAL AND REVOCATION OF ALCOHOL BEVERAGE LICENSES.
- ▣ LICENSE TYPES INCLUDE CLASS "A" (Wis. STAT. §125.25) OR CLASS "B" (Wis. STAT. §125.26) AND "CLASS A", "CLASS B", AND "CLASS C" (Wis. STAT. §125.51(1)(A))

3

ROLE OF MUNICIPALITY IN LIQUOR LICENSING

- ▣ MUNICIPALITIES ARE AUTHORIZED TO ENACT REGULATIONS OF FERMENTED MALT BEVERAGES, WINE AND INTOXICATING LIQUOR AND MAY PROSCRIBE FORFEITURES AND LICENSE SUSPENSION OR REVOCATION FOR VIOLATIONS. (Wis. STAT. §125.10(1))
- ▣ EVERY MUNICIPAL GOVERNING BODY OR DULY AUTHORIZED COMMITTEE OF A CITY COUNCIL MAY GRANT LICENSES AS THE BODY DEEMS PROPER.
- ▣ GRANT OR DENIAL OF INITIAL LIQUOR LICENSE IS A LEGISLATIVE EXERCISE OF DISCRETION REQUIRING NOTICE AND AN OPPORTUNITY TO BE HEARD.
- ▣ THE SUSPENSION, NON-RENEWAL OR REVOCATION OF A LICENSE IS A QUASI-JUDICIAL HEARING REQUIRING ADDITIONAL DUE PROCESS CONSIDERATIONS SUCH AS THE RIGHT TO CALL AND CROSS EXAMINE SWORN WITNESSES, EXAMINE EVIDENCE, AND BE REPRESENTED BY COUNSEL. THE RULES OF EVIDENCE DO NOT HAVE BE STRICTLY FOLLOWED, BUT HEARSAY AND OTHER BASIC RULES MAY REQUIRE EXCLUSION OR DISREGARD OF EVIDENCE CONTRADICTED BY IN-PERSON, SWORN EVIDENCE SUBJECT TO CROSS EXAMINATION.

4

REVOCATION OR SUSPENSION OF LICENSES BY LOCAL AUTHORITIES.

Wisconsin Stat. §125.12(2)
REVOCATION OR SUSPENSION OF LICENSES BY LOCAL AUTHORITIES.
(a) Complaint. Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging one or more of the following about a person holding a license issued under this chapter by the municipality:

1. The person has violated this chapter or municipal regulations adopted under s. 125.10.
2. The person keeps or maintains a disorderly or riotous, indecent or improper house.
3. The person has sold or gives away alcoholic beverages to known habitual drunkards.
4. The person does not possess the qualifications required under this chapter to hold the license.
5. The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1a); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.
- 5a. The person has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to s. 961.65.
6. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.
- 6a. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

125.12(2)(a)2².

7. The person received the benefit from an act prohibited under s. 125.33 (1).

TRANSLATION:
NEIGHBOR MAY SWEAR TO CLERK THAT A TAVERN:

- ☐ VIOLATED STATE OR MUNICIPAL ALCOHOL BEVERAGES LAW.
- ☐ IS RUN LIKE PATRICK SWAYZE'S *ROADHOUSE*.
- ☐ HANDS OUT BOOZE TO OTIS, THE TOWN DRUNK.
- ☐ IS A MINOR OR REALLY LIVES IN ILLINOIS ALL THE TIME. OR IS A BEARS FAN?
- ☐ IS A DRUG DEALER OR LIKES TO HANG OUT WITH THEM AT THE BAR WHILE THEY CONDUCT BUSINESS.
- ☐ BREWERS AND WHOLESALERS CAN'T LOAN MONEY TO RETAILERS.

5

JUDICIAL REVIEW OF MUNICIPAL LICENSING DECISIONS

- ☐ JUDICIAL REVIEW OF MUNICIPAL ALCOHOL LICENSING DECISIONS IS BY CERTIORARI, WHICH IS LIMITED TO DETERMINING 1) WHETHER THE MUNICIPALITY KEPT WITHIN ITS JURISDICTION; 2) WHETHER IT ACTED ACCORDING TO LAW; 3) WHETHER ITS ACTION WAS ARBITRARY, OPPRESSIVE OR UNREASONABLE AND REPRESENTED ITS WILL AND NOT ITS JUDGMENT; AND, 4) WHETHER THE EVIDENCE WAS SUCH THAT IT MIGHT REASONABLY MAKE THE ORDER OR DETERMINATION IN QUESTION.
- ☐ COURTS PRESUME THE MUNICIPALITY'S DECISION WAS CORRECT AND THE PETITIONER MUST OVERCOME THAT PRESUMPTION.
- ☐ COURTS MUST UPHOLD MUNICIPAL DECISION UNLESS NO REASONABLE TRIER OF FACT COULD HAVE REACHED THE SAME CONCLUSION BASED ON THE EVIDENCE AND ASSOCIATED INFERENCES. SUBSTANTIAL EVIDENCE REQUIRED, BUT THAT DOESN'T EVEN REQUIRE PROOF BY A PREPONDERANCE OF THE EVIDENCE.

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MILWAUKEE COMMON COUNCIL LICENSING COMMITTEE

- CONSISTS OF 5 ALDERPERSONS
- MAKES A RECOMMENDATION TO COMMON COUNCIL
 - IF 4+ VOTES, REQUIRES 3/4 VOTE TO OVERTURN
- LICENSES GO TO COMMITTEE IF:
 - NEW APPLICATION
 - CHANGE TO LICENSE (I.E. CHANGE OF HOURS)
 - OPPOSITION IS FILED (NONRENEWAL/REVOCATION)
 - LIU SYNOPSIS REFLECTS NEGATIVE ACTIVITY
 - BASED ON PA-33'S, CITATIONS, 80-10, ETC.

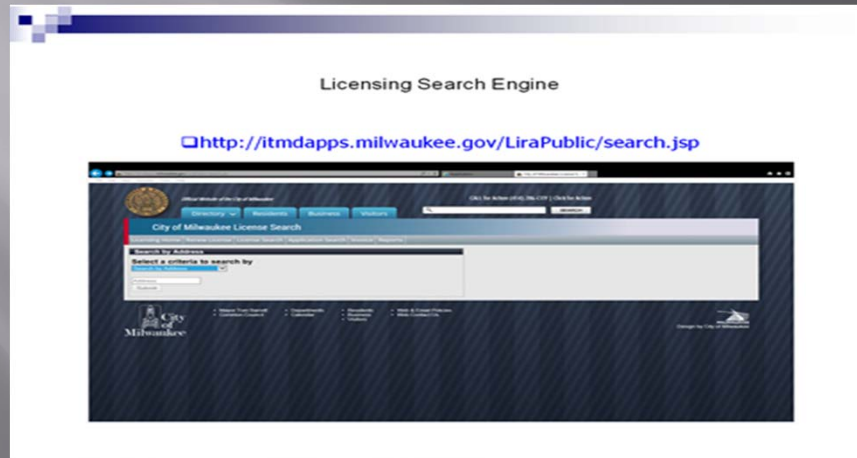
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LICENSES COMMITTEE PROCEDURES

- MPD CAN ONLY DISCUSS ITEMS NOTICED TO APPLICANT
 - CITATIONS
 - CRIMINAL CHARGES
 - NUISANCE ACTIVITY (NOTE: THIS IS WHY IT IS IMPORTANT TO CALL MPD)
 - NEED A PA-33 TO BE INCLUDED!
 - PA-33 MUST BE FILED >10 DAYS BEFORE HEARING
 - 80-10 AND 105-91 LETTERS DRAFTED BY CLO
 - HEARSAY PERMITTED BUT FIRST-HAND KNOWLEDGE STRONGLY PREFERRED
 - SQUAD VIDEO, PICTURES, ETC.
 - NEIGHBORHOOD TESTIMONY, NOT PETITIONS

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PUBLIC ACCESS TO LICENSED PREMISE INFORMATION



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