

**APPLICATION FOR LICENSE TO SERVE FERMENTED
MALT BEVERAGE AND INTOXICATING LIQUORS
CITY OF HORICON, WI., _____, 20____
TO THE COUNCIL OF THE CITY OF HORICON, WI**

FEE: \$25.00 1 Yr. License _____	NEW APPLICATION _____
\$45.00 2 Yr. License _____	
\$15.00 Provisional _____	RENEWAL _____

All pertinent blanks must be filled and questions answered before this application can be processed. Please print clearly. If additional space is needed, add an attachment.

I hereby apply for a license to serve, from date of license approval to June 30, _____, inclusive (unless sooner revoked), Fermented Malt Beverages and Intoxicating Liquors, subject to limitations imposed by Section 125.32 (2) and 125.68 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.

I certify that I have been a resident of the State of Wisconsin since _____ and of the (circle one) City/Village/Town of _____; and I am _____ years of age.

I authorize an agent of the City of Horicon to submit a driver inquiry notice to the Wisconsin Department of Transportation and an identification record request pursuant to Wisconsin Statutes 19.35(1) and 165.82 to the Department of Justice regarding any felony or misdemeanor violations.

ANSWER THE FOLLOWING QUESTIONS FULLY AND COMPLETELY:

1. Name (print) _____

First	Middle	Last	Maiden
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2. Address _____

Street/PO Box	City/Village/Town	State/Zip
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3. How long have you lived at the above address? _____. If less than 10 years, please submit previous addresses on back.

4. Date of Birth _____ Place of Birth _____

Month	Day	Year
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5. Phone Number _____

6. If renewal (within the past 2 years held a Class "A", "Class A", "Class C", Class "B", or "Class B" license or permit or a Manager's or operator's license), where was the privilege obtained? _____

City	Town	Village
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7. As required by WI Statutes Section 125.17(6), have you completed the alcohol awareness course? _____
 If yes, where? _____

8. Where will you work? _____

9. Have you **EVER** been convicted of **ANY** violation of law (including traffic violations) in the State of Wisconsin or the United States? _____
 - A. Nature and date of offense _____
 - B. Have you **EVER** been charged or convicted of a felony in Wisconsin or the United States? _____
 - C. Have you ever been convicted of violating any license law or ordinance regulating the sale of fermented malt beverages or intoxicating liquors? _____

DATE PAID: _____

RECEIPT NO.: _____

STATE OF WISCONSIN
Dodge County

_____, being first duly sworn on oath says the (s)he is the person who made and signed the foregoing application for an operator's license; that all the statements made by the applicant are true.

Previous Addresses: _____

Applicant Sign Here

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

Notary Signature: _____

City of Horicon Clerk/Deputy Clerk
Dodge County

(FOR POLICE DEPARTMENT USE ONLY; DO NOT WRITE BELOW THIS LINE)

I have received the information submitted within this application and have found it to be:

Accurate _____ Inaccurate _____ Incomplete _____ Fraudulent _____

COMMENTS: _____

In addition, I have found supplemental background information on the applicant which is substantially related to circumstances of the licensee's activity and should be considered in the issuance of the requested license.

COMMENTS: _____

Based upon this information, I recommend that the license be:

Approved _____ Denied _____

Joseph W. Adamson, Chief of Police

Date

PURPOSE

In order to provide for an effective and consistent system of alcohol licensing that protects the public safety and is applied in a uniform and equitable manner, the Public Safety Committee and City Council have adopted the following written policy to govern the granting of operators' licenses pursuant to Chapter 125 of the Wisconsin Statutes.

TERMS DEFINED

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; like drunk driving, procuring for underage, underage possession and/or consumption, committing law violations while under the influence of alcohol or drugs, etc.

Habitual Offender: The term "habitual" refers to two or more convictions or pending charges and could include an applicant with two offenses in the last 36 months if the offenses are substantially related. The term "offender" refers to a person with violations such as ordinance convictions and/or misdemeanor convictions (or pending charges/citations), which substantially relate to the licensing activity. A legal opinion rendered by the League of Wisconsin Municipalities states that a person with two drunken driving convictions within the last couple of years would be considered a habitual offender under the alcohol beverage licensing laws. Intoxicating Liquors #890 (1991).

Note: There is no set combination of offenses, time, or circumstance that governs decisions. Each application is evaluated on its own merits.

APPLICATION PROCESS

Applications are available at City Hall for New, Renewal, and Provisional operator licenses. Applications must be complete and must be signed by the applicant with the appropriate non-refundable processing fee remitted prior to the application being forwarded to the police department for processing. Those seeking a Provisional license are subject to an additional fee and cannot have been:

1. Convicted of a felony?
2. Cited, arrested, or convicted of a drug-related offense in the past 12 months?
3. Cited, arrested, or convicted of an alcohol-related offense in the past 12 months?

Note: Denied applicants are not eligible to reapply for 12 months after date of a denial.

SCREENING PROCESS FOR NEW OPERATOR LICENSE

- A. The Police Department will conduct a records check, including criminal and traffic, of all applicants for operators' licenses. If necessary, the records check may include an interview with the applicant, contact with other jurisdictions, or third parties to verify or investigate information contained on the application or obtained during the records

check. The attached HPD New Operator License Application Review flow chart is used to assist in the screening process.

- B. Consistent with the provisions of Wis. Stat. Secs. 111.335 and 125.17, the records check conducted by the police department shall determine whether an applicant's conviction record reveals any of the factors in section "C" of this policy. If so, an operator's license may not be recommended for approval by the Police Chief.
- C. Factors pertaining to conviction record:
 - 1. Any unpardoned felony conviction
 - 2. Any arrest or conviction for an alcohol violation or substantially related offenses within the last twelve months.
 - 3. Any two or more arrests or convictions for alcohol violations or substantially related offenses within the last five years.
 - 4. Any drug-related convictions within the last five years
 - 5. Any conviction within the last twenty-four months which involve resisting arrest, battery to a police officer or obstructing justice.
 - 6. At least two convictions in the last twenty-four months for disorderly behavior type offenses if they occurred in conjunction with activity at a licensed alcohol establishment (should be indicated on application).
 - 7. Any incomplete, misleading or falsified application when the incomplete, misleading or falsified information provided by the applicant pertains to either the identification of the applicant or to any matter occurring within five years prior to the date of application.
 - 8. Any other charge, conviction, or incident which, in the judgment of the police chief or his/her designee, would substantially relate to the circumstances of employment as an operator or to activity at a licensed alcohol establishment.
- D. The Police Chief shall weigh the factors contained in paragraph "C" above and make a recommendation to the Public Safety Committee to approve or deny the application. If the Police Chief recommends denial, he/she shall provide the applicant, employer, Public Safety Committee Chair, and the City Clerk/Treasurer a letter indicating the reason(s) for the recommended denial and the date that the Public Safety Committee and/or City Council will discuss and/or act on the application.

SCREENING PROCESS FOR RENEWAL OF OPERATOR LICENSE

The City Council will only deny renewal of, suspend, or revoke a current alcohol beverage license under these guidelines, or other justification provided by law, if the person committed an offense substantially related to the licensed activity within the license year period immediately preceding the year for which the person is seeking renewal or within the license year period in which the suspension or revocation is sought, unless the Police Chief demonstrates that previous offenses were not considered in the approval of the current license. In the event the person is considered for non-renewal, suspension, or revocation as the result of such an offense, the City Council shall consider all offenses, regardless of when they occurred, to apply these guidelines.