

**Cover Sheet - Background Checks  
Alcoholic Beverages Licenses**

**Name of applicant:** Cody Shawhan      **Date of background check:** 07/17/23

**Type of license applied for:**

- Retail alcohol beverages license - agent/officer/member
- Retail alcohol beverage license - individual applicant/sole proprietorship
- Operator's license

**Results of background check:**

- No record and/or qualified to hold a license
- Disqualified per Guideline #7 for providing a materially false statement regarding a *misdemeanor or felony conviction* in the last 10 years.
- Disqualified based on following guideline(s):

**Applicants for an operator's license**

Guideline #1 – Applicant for an operator's license with any of the following violations:

- Violations of serving or allowing underage persons on premises within the past 2 years.
- Operating while impaired or under the influence within the past 2 years.
- Convictions involving unlawful use, distribution or possession with intent to distribute a controlled substance or illegal weapon within the past 2 years.
- A pending charge for crime against life or bodily security, or a violent crime against children, which substantially relates.
- A felony conviction within the past 10 years.

**Applicants for a retail beverage license**

- Guideline #2 – A felony conviction, which substantially relates.
- Guideline #3 – One or more offenses within the past 5 years, or 2 or more offenses within the past 10 years, which involve crimes of violence or threats of violence, lack of cooperation with law enforcement or distribution of drugs.
- Guideline #4 – Two or more offenses within the past 5 years which involve unruly, indecent or disruptive behavior in public, alcohol beverage offenses, possession offenses, operating while under the influence of drugs or intoxicants, open intoxicant violations, or crimes of dishonesty.
- Guideline #5 – A habitual law offender, as deemed by RPD, or with an arrest record involving 2 or more offenses within the last year, 3 or more offenses within the last 5 years, or 5 or more offenses within the last 10 years.
- Guideline #6 – A pending offense for crime against life or bodily security, or a violent crime against children, which substantially relates.

Dear applicant:

Your records check came back with the following convictions:

<u>Year</u>	<u>Offense</u>
2019	Operating while Intoxicated (2 <sup>nd</sup> ) (Misdemeanor)

Based on the above conviction(s) and the City's Policy Guidelines for Arrest and Conviction Records Related to Alcohol Beverages Licenses, you are presumably disqualified for an alcohol beverage license.

**This matter will now go before the Public Safety and Licensing Committee on August 07, 2023 at 5:00 p.m., City Hall, Room 207B, for a hearing on your license application.** appearance at this meeting is mandatory and failure to attend may result in denial of your license application. At the hearing, the Committee will review documented evidence of rehabilitation:

**You are required to submit documentation by 5:00 p.m. on the Thursday before the Committee meeting to show that you are fit to hold this license.** This can be as simple as a letter from your employer/future employer stating that they are aware of your criminal conviction(s) and that they are willing to vouch for you. If this cannot be done, you may submit any of the following as evidence of rehabilitation:

- A certified copy of honorable discharge or separation under honorable conditions
- A copy of local, state or federal release document (from the Department of Corrections or your parole or probation agent) showing discharge from incarceration or probation/parole
- A copy of the department of correction's document showing completion of probation, extended supervision or parole
- Other evidence showing that one year has elapsed since release of institution without subsequent conviction of a crime along with evidence showing compliance with all terms of probation, extended supervision or parole.
- Evidence of the nature and seriousness of any offenses convicted
- Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense
- The age of the individual at the time of the offense
- The length of time elapsed since offense committed
- Letters of reference by persons who have been in contact with the individual since the applicant's release
- Other relevant evidence of rehabilitation and present fitness presented

**Failure to submit the required documentation by the above deadline may result in your application being deferred or moved to the next Committee agenda.** Please contact us with any other questions. Thank you.

City Clerk