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City of Racine, Wisconsin  
COMMON COUNCIL

**AGENDA BRIEFING MEMORANDUM**

**COMMITTEE:** Public Safety and Licensing

**LEGISLATION ITEM #:** 1273-18

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**AGENDA DATE:** 12/11/18 (Public Safety and Licensing)

12/18/18 (Common Council)

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**DEPARTMENT:** City Attorney's Office

**Prepared By:** Nhu H. Arn

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**SUBJECT:** Policy guidelines for arrests and convictions records related to alcohol beverage licenses.

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**EXECUTIVE SUMMARY:** It is recommended the policy guidelines for Licenses Related to Alcohol Beverages be updated as proposed.

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**BACKGROUND & ANALYSIS:**

The previous Policy Guidelines for Licenses Related to Alcohol Beverages were adopted by the common council in May of 2018, along with various changes to the ch. 6 of the ordinance at that time. Shortly thereafter, the Wisconsin Legislature passed 2017 Wisconsin Act 278, which became effective on August 1, 2018. The Act substantially limits when municipalities may use a person's arrest or conviction record to deny a license to a person. Therefore, it is necessary and prudent at this time to modify these guidelines to reflect the new change in state law. Substantive changes to the guidelines include:

- Insertion of specific references to state statute containing the new language.
- Clarification on what sort of behaviors should be scrutinized for licensing purposes.
- Modification of guidelines 1-4 to clarify that only convictions may be counted.
- Addition of policy guideline number 5 to account for pending charges that may be considered.
- Addition of rules relating to what the committee may consider as "evidence of rehabilitation."
- Modification of the appeals process to stay consistent with Ch. 6 changes.
- Clarification of what is "substantially related"

- 30 • Clarification for what is a “habitual law offender”

31 Change in appeals process affecting Common Council hearings. It is also important to note that the  
32 appeals process for a denial of an alcohol beverage or an operator’s license changed when the ch. 6  
33 changes were made by the common council earlier this year (specifically, the modification of section 6-  
34 23(g) as part of Ordinance No. 13-18 involving growers). A person whose license application has been  
35 recommended to be denied by the public safety and licensing committee may “appeal” by submitting  
36 written arguments to the common council before it meets to make a final decision on the application, as  
37 to whether the person’s arrests and conviction record prevents the person from obtaining a license. The  
38 council may also allow the applicant to supplement the written material by oral arguments at the  
39 common council hearing, although no new evidence may be presented at that time. Should this occur,  
40 the clerk’s office will be in charge of collecting the written arguments from the applicant and dispersing  
41 it to the council for review. The council should then use its discretion to determine whether the person  
42 qualifies for a license pursuant to its Policy Guidelines Related to Alcohol Beverages.

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44 **BUDGETARY IMPACT:** None.

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46 **OPTIONS/ALTERNATIVES:**

47 Leave the policy guidelines as is, rather than updating it.

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49 **RECOMMENDED ACTION:** Amend the policy guidelines as requested.

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51 **ATTACHMENT(S):** Proposed amended Policy Guidelines for Licenses Related to Alcohol Beverages.