

**In the Matter of: The Fifteen-Eighteen LLC, and its agent,
Shikeyla Buckley**

Based on the applicable record in this case and the evidence presented during the hearing on August 5, 2024, the Due Process Board makes the following:

FINDINGS OF FACT

The Fifteen-Eighteen, LLC, and its agent, Shikeyla T. Buckley (the “Licensee”), was issued a Retail “Class B” and a Class “B” License by the Common Council of the City of Racine. This license entitled the agent to operate an establishment located at 1520 Washington Avenue, Racine, Wisconsin, to sell fermented malt beverages and intoxicating liquor as defined in Chapter 125 of the Statutes of the State of Wisconsin¹.

Pursuant to this license, certain conditions were placed upon the establishment. One such condition was the hours of operation. The license held by the Licensee stated that the hours of operation were to be from Monday through Sunday, 8:00 a.m. through 12:00 a.m.

On Saturday, February 4, 2023, the City of Racine Police Department observed the Licensee operating at approximately 2:22 a.m. This operation was outside of the closing hours that were listed on the license. The Licensee received a citation from the City of Racine Police Department for violating the closing hours restriction.

On Sunday, April 16, 2023, the City of Racine Police Department observed the Licensee operating at approximately 2:35 a.m. This operation was outside of the closing hours that were listed on the license. The Licensee received a citation from the City of Racine Police Department for violating the closing hours restriction.

Another such condition of the license was to obtain and maintain a “Seller’s Permit” in accordance with Wisconsin Statutes.

On May 2, 2024, the Wisconsin Department of Revenue held a hearing to revoke the Seller’s Permit (Permit No. 1031128473) that was issued to Shikeyla Buckley and The Fifteen-Eighteen, LLC.

On June 19, 2024, the Wisconsin Department of Revenue issued a decision whereby revoking Permit No. 1031128473, effective June 27, 2024.

As of August 5, 2024, the date of the hearing before the Due Process Board, the Licensee had not been issued a new Seller’s Permit, nor was the former Seller’s Permit reinstated.

¹ The licensee was issued as a combination of both a “Class B” liquor license and a Class “B” fermented malt beverage license. This license, though comprised of two parts, is referred to in the singular form throughout this report. *See Wis. Dolls, LLC v. Town of Dell Prairie*, 2012 WI 76, ¶ 2 n.1, 342 Wis. 2d 350, 815 N.W.2d 690.

On July 18, 2024, City of Racine Police Sergeant Robert Thilleman filed a complaint in this matter with the City Clerk pursuant to Wis. Stat. § 125.12(2)(ag). Sergeant Thilleman (“Complainant”) is a resident of the City of Racine.

The Complainant alleged six violations of State law and/or City Ordinance: (1) The Licensee operated outside of the business plan on February 4, 2023; (2) the Licensee operated outside of its business plan and legal operating hours on April 16, 2023; (3) the Licensee improperly had underage persons on premises; (4) the Licensee failed to meet qualifications for the license; (5) the Licensee failed to continuously operate; and (6) the Licensee allowed other businesses to operate on the premises.

On August 5, 2024, a hearing was held before the Due Process Board, which was established by the Common Council of the City of Racine for such matters. Members Janet Gill-Hernandez, Brian O’Connell, Terry McCarthy, and Chair Thomas Binger were present. Non-voting member Kevin Coey was also present. Kimberly Payne was absent.

The Licensee appeared in person and via her counsel, Attorney Vincent Bobot. The Complainant appeared in person and via his counsel, Assistant City Attorney Nhu Arn.

The hearing occurred on the record and was audio-recorded in accordance with Wis. Stat. § 125.12(2)(b).

CONCLUSION OF LAW

The City of Racine is vested with the power to grant and issue Retail “Class B” licenses for retail sales of intoxicating liquor. Wis. Stat. § 125.51(1)(a). The City of Racine is vested with the powers to grant and issue Retail Class “B” licenses for retail sales of fermented malt beverages. *Id.* § 125.26(1). The City of Racine is vested with the power to enact regulations incorporating Wisconsin Statutes chapter 125, as well as prescribing additional regulations not in conflict with this chapter. *Id.* § 125.10(1). The City of Racine is vested with the power to suspend or revoke licenses based upon those additional regulations. *Id.*

A municipality that issues “Class B” or Class “B” licenses may revoke, suspend, or refuse to renew these licenses for nine enumerated reasons. *Id.* § 125.12(2)(ag). If a licensee violates any provision within Wisconsin Statutes chapter 125 or any municipal regulation adopted under Wis. Stat. § 125.10, the license may be revoked by the municipality. *Id.* § 125.12(2)(ag)(1). If a licensee does not possess the qualifications required under this chapter to hold the license, the license may be revoked by the municipality. *Id.* § 125.12(2)(ag).

State law prohibits “Class B” and Class “B” licensees from operating between the hours of 2:00 a.m. and 6:00 a.m., Monday through Thursday. *Id.* §§ 125.68(4)(c)(1), 125.68(3)(a). On Saturday and Sunday, no licensee may operate from 2:30 a.m. through 6:00 a.m. *Id.* City of Racine Ordinances provide identical restrictions on operating hours. Racine, Wis., Code §§ 6-38(b)(2), 6-38(a)(1).

City of Racine Ordinances require all “Class B” and Class “B” licensees to operate their businesses within the plan of operation that was submitted to the City of Racine Public Safety and Licensing Committee. *Id.* § 6-88. This includes the days and hours of operation. *Id.*

State law requires that the holder of any license related to alcohol must have a valid Seller’s Permit. Wis. Stat. § 125.04(5)(a)(4). The City of Racine requires all “Class B” and Class “B” licensees to have a valid Seller’s Permit. Racine, Wis., Code § 6-21(a).

The Licensee operated beyond its business plan on two separate occasions. It was established that the Licensee was licensed to remain open until 12:00 a.m. on both February 4, 2023, and on April 16, 2023, in accordance with its business plan. It was further established that the Licensee was operating at 2:22 a.m. on February 4, 2023, and at 2:35 a.m. on April 16, 2023. Accordingly, it is found that the Licensee operated beyond the approved business plan; specifically, by operating beyond the closing hour requirement, on two separate occasions, in violation of City of Racine Ordinance. Allegations 1 and 2 in the Complaint are sustained.

The Licensee operated beyond allowed operating hours on one occasion. It was established that on April 16, 2023, the Licensee was operating at 2:35am. On that date, State law and City ordinance prohibited the operation of all “Class B” premises, including the Licensee, after 2:30am. Even if the business plan was not in place, this operation also violates State law and City ordinance. Accordingly, it is found that the Licensee operated during prohibited hours, in violation of State law and City of Racine Ordinance. Allegation 2 in the Complaint is further sustained.

The Licensee does not have a Seller’s Permit issued by the Wisconsin Department of Revenue. It was established that the Seller’s Permit previously obtained by the Licensee was revoked, effective June 27, 2024. All “Class B” premises are required by State law and City of Racine Ordinance to have a Seller’s Permit. Accordingly, it is found that the Licensee does not meet the qualifications to be licensed under State law and City of Racine Ordinance. Allegation 4 in the Complaint is sustained.

There was a lack of basis in fact and/or law to sustain Allegations 3, 5, and 6 in the Complaint; therefore Allegations 3, 5, and 6 are found to be unsubstantiated.

Finding that the Licensee has violated State law and/or City of Racine Ordinance on three occasions, it must be decided whether a suspension or revocation is appropriate.

The Due Process Board has the power to recommend to the Common Council of the City of Racine that it either suspend or revoke a license. Wis. Stat. § 125.12(2)(b)(3); Code § 2-263(b). If suspended, the suspension may be no shorter than ten days and no longer than 90 days. *Id.*

After consideration, it is recommended that the license—both the “Class B” license and Class “B” license be revoked pursuant to the Licensee’s conduct, which was described herein, and includes the lack of qualification to operate an establishment that sells alcohol, as well as the number of violations sustained. A suspension was considered for recommendation but was ultimately rejected due to the factual finding that the Licensee does not possess the qualification—specifically, a valid Seller’s Permit--required under both State law and City of Racine Ordinance to operate.

RECOMMENDATION

For the foregoing reasons, the Due Process Board **recommends** that the “Class B” intoxicating liquor license and Class “B” fermented malt beverages license be **REVOKED** from The Fifteen-Eighteen, LLC, and its agent, Shikeyla T. Buckley, at the premises located at 1518 Washington Avenue, Racine, Wisconsin.

Dated this 12th of August, 2024

/s/ Thomas Binger

Chair Thomas Binger

/s/ Terry McCarthy

Alder Terry McCarthy

/s/ Janet Gill-Hernandez

Janet Gill-Hernandez

/s/ Brian O'Connell

Brian O'Connell