

Village of Harrison

Policy Guidelines for Operator Licenses

Intent.

Any person 18 or older who is serving or selling alcohol beverages in an establishment with a Class A, B, or C license must obtain an operator's license (commonly referred to as a bartender's license), unless the person is under (a) the immediate supervision of someone with the privilege of an operator's license, (b) the approved agent of a corporation or limited liability company, (c) a person with an operator's license, or (d) a person with a manager's license. It is the responsibility of the Village Board to issue an operating license to any applicant who is qualified under state law.

All applications for operators' licenses are processed in the Office of the Village Clerk and background checks are conducted. All applications, along with the findings of those background checks, are forwarded to the Village Board and placed on the Consent Agenda for consideration. The Village President or any Trustee may request the removal of an application from the Consent Agenda for further discussion. The Village Board makes the final decision on licensing by either accepting or rejecting the application.

Because individuals granted an operator's license must act in cooperation with the Calumet Co. Sheriff's Department to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintaining the safety of the community, individuals with a past history of negative or uncooperative contacts with police agencies will be scrutinized. The following guidelines have been adopted to help the board in making its decision and determining what circumstances are more likely to result in denial of a license application.

Guidelines.

Wisconsin's Fair Employment law prohibits the denial of a license based on a pending arrest or conviction unless the record "*substantially* relates" to the licensing activity. However, the law does not specifically define this term. For the purposes of licensing, the board determines that:

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;

there is a *substantial* relationship between offenses of drunk driving and underage drinking AND engaging in bartending; and that

committing law violations while under the influence of drugs or alcohol shall be considered as reasons for denial.

Subject to Wisconsin's Fair Employment Law, an applicant may not be a "habitual law offender". For the purposes of licensing, the board further determines that "habitual" refers to:

Two (2) or more offenses within the past five (5) years.

Three (3) or more offenses within the past seven (7) years.

Six (6) or more offenses within the past ten (10) years.

Grounds for Denial.

Any person who has been convicted of a felony, unless duly pardoned, does not qualify for an operator's license.

Any person who has not truthfully and completely filled out the application does not qualify for an operator's license.

Any person who has been convicted (or charges pending) of the following does not qualify for an operator's license:

1 or more offenses within the last 5 years related to battery, sexual assault, injury by negligent use of a vehicle, hit and run, or intimidation of a witness or victim. These offenses are all considered to be crimes against other persons.

1 or more offenses within the last 5 years related to resisting or obstructing a police officer, bribery of a public employee or official, bail jumping, or perjury. These offenses are all considered to be crimes involving lack of cooperation with law enforcement.

1 or more offenses within the last 5 years of maintaining a drug trafficking place, possession with intent to manufacture, or distribution of illegal substance.

2 or more offenses within the last 5 years of possession of a controlled substance or drug paraphernalia.

2 or more offenses within the last 5 years of operating a motor vehicle while under the influence of intoxicants or drugs.

2 or more offenses within the last 5 years of open intoxicants in public places or in a motor vehicle.

2 or more offenses within the last 5 years of disorderly conduct or damage to property.

Applicant's Right to Appeal.

If the application is denied by the board, the Village Clerk shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten days prior to the board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.

If, upon reconsideration, the board again denies the application, the Village Clerk shall, in writing, inform the applicant of the reasons. An applicant who is denied any license, upon reconsideration of the matter, may apply to circuit court, pursuant to Wis. Stats. § 125.12(2)(d), for review.

Conclusion.

This policy attempts to set standards for the denial of an operator's license and ensures that any denial shall be consistent with the criteria outlined above.

This policy was adopted by the Village Board on February 28, 2017.