



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Final

Ordinance & License Committee

Monday, September 9, 2019

6:00 PM

Council Chambers, City Hall
Use lower level glass door.

1. Call to Order

Lt. Gerald Habanek appeared on behalf of the Police Department.

Present 5 - Johnson, Manion, D. Lemke, Rodriguez, and R. Lemke

2. Public Comment

None

3. Approval of Minutes

[ID#19-1211](#) Minutes - August 26, 2019

Attachments: [O&L Minutes 8-26-19.pdf](#)

The Minutes were approved by Consent.

4. Licenses

[ID#19-1237](#) INVITED Bartenders - September 9, 2019

Attachments: [Bartenders 2019.09.09](#)

Logan Ferrise appeared with the agent from Boomerangs, Brady Rice. Ferrise has OWI's from 2015, 2017 and 2018. Mr. Rice stated that Logan is a phenomenal bartender and he has no concerns with him working in his establishment.

Ald. Rodriguez stated that along with the alcohol violations, the failure to report an accident stands out to her as concerning because he would need to contact law enforcement if something were to happen in the establishment. She asked for further detail on this violation. Logan stated that his brakes failed while he was on his way home after work and he crashed into his neighbor's yard. He was making arrangements with his neighbor to find a way to remove the car, however, someone passing by saw the accident and reported it to the police department. When the police arrived they charged him with failure to report an accident.

Ald. Manion asked Ferrise to clarify how many OWI/DUI charges he had. Ferrise stated that he has three in total. The first one involved smoking marijuana and the other two were alcohol related. The second one occurred in Colorado on New Year's Eve and the third one he was going through a break-up and made some poor decisions involving alcohol. Ald. Manion stated that Logan has exercised poor judgement with his own consumption of liquor and asked him how he believes he would manage that for his

patrons. Ferrise stated that he has been bartending for two years and he is not afraid to stop serving people.

Ferrise stated that he has not had a drink since August 12th of 2018 when he had his last DUI. He spent time in jail and Huber and he learned a lot about himself and came to the realization that he did have an issue with alcohol. He has taken a lot of steps to better himself. He goes to AA meetings and he doesn't put himself in situations where he will be led into those actions.

Ald. Rick Lemke asked Logan how many AA meetings he has attended since 2018. Ferrise stated that he was attending two meetings per week from August to January and he was attending AODA counseling and completed that in July of this year. He completed a 120 page relapse prevention packet with his counselor. Since he has been out of Huber he has continued to attend AA meetings. Ald. Rick Lemke stated that with three liquor violations in a four-year time frame, he is unsure as to how he would vote as this time.

Ald. Johnson asked if the program he went through was court ordered. Ferrise stated that it was court ordered, however, he started the program before it was court ordered and he continues going to the classes.

Ald. Rodriguez spoke to the agent making him aware that he is the one that is ultimately taking a risk if someone is over-served or if an underage person is served alcohol as the establishment could lose their liquor license. The agent acknowledged that he understood the risks involved. Ald. Rodriguez stated that if the agent is willing to accept the risks and consequences that she would approve the bartender application.

A motion was made by Rodriguez, seconded by Johnson, to approve the Operator License for Logan Ferrise. The motion carried by the following vote:

Aye: 3 - Johnson, Rodriguez and R. Lemke

Nay: 2 - Manion and D. Lemke

[ID#19-1230](#) Bartenders - September 9, 2019

Attachments: [Bartenders 2019.09.09](#)

A motion was made by Johnson, seconded by Manion, to approve the remaining Operator licenses. The motion carried by the following vote:

Aye: 5 - Johnson, Manion, D. Lemke, Rodriguez and R. Lemke

[ID#19-1231](#) INVITED Other Licenses - September 9, 2019

Attachments: [Other Licenses 2019.09.09](#)

Mr. Fermin De La Paz, agent for Paz Pub failed to appear. Ald. Johnson stated that the applicant has had several Extension of Premise permits and there have been no issues with the establishment. Ald. Johnson asked Lt. Habanek if he is aware of any issues with this establishment. Lt. Habanek stated there is no issues on behalf of the Police Department. Rubina Medina clarified that the Extension of Premise time is from 3pm to 11pm. The pink attachment inadvertently had the incorrect end time.

A motion was made by Johnson, seconded by R. Lemke, to approve the Extension of Premise application for Paz Pub for September 21st from 3pm to

11pm. The motion carried by the following vote:

Aye: 5 - Johnson, Manion, D. Lemke, Rodriguez and R. Lemke

[ID#19-1232](#) Other Licenses - September 9, 2019

Attachments: [Other Licenses 2019.09.09](#)

A motion was made by Johnson, seconded by Manion, to approve the Other Applications. The motion carried by the following vote:

Aye: 5 - Johnson, Manion, D. Lemke, Rodriguez and R. Lemke

5. Communications

Lt. Gerald Habanek asked what it would take for an applicant to be denied an operator/bartender license. Ald. Johnson stated that three committee members would have to vote against the approval of the license which has been done before due to OWI charges or the agent failing to attend and support the application. Ald. Rodriguez stated she has spoken to Attorney Running regarding what it would take to deny a bartender application and the bar is set very low to issue a license; there are not many requirements and almost anyone is eligible for a bartender license.

Lt. Habanek stated that he is not here to second guess this committee, but the last applicant had multiple OWI's, two that were very recent. He also had multiple traffic infractions and the police department is the one that will have to enforce this once he's granted a bartending license and it puts the department in a very difficult situation when a lot of other bartenders in the City do not have these extensive charges. Lt. Habanek expressed his concern and asked why does the applicant come to the meeting if they are going to be approved.

Ald. Johnson stated that it can depend on the applicant's attitude. He has seen instances where the applicant didn't seem to care about their record and didn't show any remorse for what they did and they have denied them in the past.

Ald. Rodriguez stated that the reason the agent appears with the applicant is so the committee knows the agent is aware of the violations. Sometimes the applicant has not disclosed their violations to the agent and this is a way for the agent to be made aware of these charges and an opportunity for them to change their mind on the hiring of the applicant. Ald. Johnson stated that this has occurred in the past where the agent was not aware of the violations and ultimately decided not to proceed with hiring the bartender.

Ald. Dean Lemke stated that he has been on the O&L Committee for approximately one year and a half and he only remembers one person being denied their bartending license. The last applicant had three OWI charges in a four-year time period and he does believe a bar needs to be set for obtaining a license.

6. Adjournment

6:19 pm

Ald. Steve Johnson, Chairman

"A majority of the Council members may be in attendance"

NOTICE: Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible or that materials at the meeting be in an accessible format, please contact Fred Abadi, 48 hours prior to the meeting at 524-3600 or by the Wisconsin Telecommunications Relay System so that arrangements may be made to accommodate the request.