

OPERATOR'S LICENSE (BARTENDER LICENSE) REVIEW GUIDE

For Licensing Committee and Village Board Members

Purpose

This guide is intended to assist Licensing Committee and Village Board members in reviewing applications for Operator's Licenses pursuant to Wisconsin Statutes Chapter 125. Committee members should base their decisions on the qualifications established by state law and the facts presented during the application review process.

IMPORTANT LEGAL PRINCIPLE

An Operator's License is not a discretionary license that may be denied simply because a board member does not like an applicant or has concerns unsupported by evidence.

Wisconsin Statute § 125.17 provides that a municipality shall issue an Operator's License to a qualified applicant. Therefore, any denial should be based on legally supportable grounds.

Board members should focus on the following questions:

- ✓ Does the applicant meet all statutory requirements?
- ✓ Is there evidence of a conviction record that substantially relates to the licensed activity?
- ✓ Has the applicant provided truthful and complete information?
- ✓ Has the applicant complied with all local licensing requirements?

APPLICANT QUALIFICATIONS CHECKLIST

Age Requirement

- ☐ Applicant is at least 18 years old.

Authority:

Wis. Stat. §§ 125.04(5)(a)3 and 125.17

Responsible Beverage Server Training

- ☐ Applicant has completed an approved Responsible Beverage Server Training Course.

OR

- ☐ Applicant qualifies for a statutory exemption.

Authority:

Wis. Stat. § 125.17(6)

Application Completeness

- ☐ Application is complete.
- ☐ All required fees have been paid.
- ☐ Required documentation has been provided.
- ☐ Background check has been completed, if required by ordinance.

CRIMINAL CONVICTION REVIEW

Convictions May Be Considered

Wisconsin law allows municipalities to consider conviction records when the circumstances of the offense substantially relate to the duties and responsibilities of holding an Operator's License.

Relevant considerations may include:

- Alcohol-related offenses
- Operating While Intoxicated (OWI) convictions
- Theft or fraud offenses involving handling money
- Violent conduct occurring in licensed establishments
- Repeated violations of alcohol beverage laws

Authority:

Wis. Stat. § 125.04(5)(a)1

Wis. Stat. § 111.335

Convictions Should Not Automatically Result in Denial

Board members should consider:

- Nature of the offense

- Age of the offense
- Number of offenses
- Relationship between the offense and bartending duties
- Evidence of rehabilitation

The committee should avoid blanket policies that automatically deny applicants with criminal records.

HABITUAL LAW OFFENDER CONSIDERATION

The committee may consider whether an applicant demonstrates a pattern of repeated disregard for laws or ordinances. Factors may include:

- Multiple criminal convictions
- Repeated alcohol-related offenses
- Repeated violations over an extended period
- Failure to comply with court orders

Authority:

Wis. Stat. § 125.04(5)(a)1

The committee should be prepared to explain the factual basis supporting any finding that an applicant is a habitual law offender.

FALSE OR MISLEADING INFORMATION

The committee may consider whether the applicant:

- Failed to disclose convictions
- Provided false information
- Submitted inaccurate documents
- Made material misrepresentations during the application process

Truthfulness is an important factor in determining whether an applicant is qualified to hold an Operator's License.

FACTORS THAT SHOULD NOT BE CONSIDERED

The committee should not base a decision solely on:

- X Rumors
- X Unverified allegations
- X Personal disagreements
- X Political views
- X Public pressure
- X Social media comments
- X Arrests not resulting in conviction (except as otherwise permitted by law)
- X Generalized concerns unsupported by evidence

IF CONSIDERING DENIAL

The committee should clearly identify:

1. The specific statutory basis for denial.
2. The facts supporting that basis.
3. How the facts support the committee's conclusion.

The record should demonstrate that the decision was based on evidence and applicable law.

SAMPLE FINDING FOR DENIAL

"The Licensing Committee recommends denial of the Operator's License application pursuant to Wis. Stat. §§ 125.17 and 125.04(5)(a) because the applicant's conviction record, specifically _____, is substantially related to the duties and responsibilities associated with the sale and service of alcohol beverages."

REMINDER

The committee's role is not to determine whether an applicant is perfect. The committee's role is to determine whether the applicant is legally qualified to hold an Operator's License under Wisconsin law.