



Council Agenda Item

Meeting Date: February 20, 2024

Agenda Item: Nicholas Perkin's BOL appeal

Staff Contact (name, email, phone): Heather Boehm, hboehm@whitewater-wi.gov

BACKGROUND

(Enter the who, what when, where, why)

On August 15, 2022, Mr. Perkins applied for a Beverage Operator's License. On August 26, 2022, Chief Dan Meyer denied the license, On August 29, 2022, a letter informing Mr. Perkins of the denial was sent by the City Clerk's office via regular and certified mail. The Clerk's office received an email requesting an appeal from Mr. Perkins on December 11, 2023

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

On February 12, 2024, the Alcohol Licensing Committee voted 3-0 to deny Mr. Perkin's appeal due to his no-show at the hearing.

FINANCIAL IMPACT

(If none, state N/A)

STAFF RECOMMENDATION

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Perkin's letter requesting an appeal, Chief Meyer's denial letter.

Heather Boehm

From: Nicholas Ryan Perkins <nrjp92@gmail.com>
Sent: Monday, December 11, 2023 1:39 PM
To: City Clerk Staff

Follow Up Flag: Follow up
Due By: Friday, January 5, 2024 3:30 PM
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mz. Anderberg,

My name is Nicholas Ryan Perkins. I recently reached out to our cheif of police about contesting his decision to deny my bartending license. He said the rule has been iron clad for him and the last 2 cheifs that a felony means denial. I understand my felony is serious but it was more than half my adult life ago. The judge also gave me the felony either a note that I can go back and get it expunged, unfortunately I don't have money to do this right now.

I'd like to schedule a hearing to plead my case so I can help John Cordio who owns beer here and is in desperate need of bartenders. I have worked their on the weekends as security for the last few months because the police had to respond to calls every weekend for several consecutive weeks. Since I've been working there has only been one call while I was working and it was in the parking lot.

Happy Monday!

Ryan J. Perkins

MEMORANDUM

TO: City Clerk Michele Smith
FROM: Daniel A. Meyer, Chief of Police
SUBJECT: Disapproval of Beverage Operator's License Application for **Nicholas R J Perkins**
DATE: 08/26/2022

On 08/15/2022, Nicholas Ryan Joseph Perkins, 117 N 2nd St., Upper B, Whitewater, applied for a beverage operator's license to work, without supervision, at 841 Brewhouse, 841 E Milwaukee St., Whitewater. At that time the usual background investigation was conducted.

Effective 08/26/2022, the following information is being supplied on an official basis concerning the beverage operator's license application of Nicholas Ryan Joseph Perkins. Pertinent records of the local and state agencies have been searched as of this date with the following results: (Only that information which would bear upon this application is recorded. Traffic violations are excluded.)

WHITEWATER POLICE DEPARTMENT

03/01/2018	Maintain Drug Trafficking Place- Felony	Guilty
03/01/2018	Manufacture/Delivery Cocaine- Felony	Dismissed but Read In
03/01/2018	Possess Drug Paraphernalia- Misdemeanor	Dismissed but Read In
03/01/2018	Possess Nitrous Oxide-Intent to Inhale- Misd.	Dismissed but Read In
03/01/2018	Possession of Cocaine- Misdemeanor	Dismissed but Read In
03/01/2018	Possession of THC- Misdemeanor	Dismissed but Read In

Nicholas Ryan Joseph Perkins failed to list all of his charges/ convictions on his application.

An operator at an alcohol establishment has an obligation to reasonably deal with various rules and regulations regarding alcohol. These arrests show that Nicholas Ryan Joseph Perkins has displayed an inability to abide by these laws. We therefore do not believe that he has the appropriate ability to handle the responsibility that the license requires.

Qualifications for license in accordance with Wisconsin State Statute 125.04(5)(a) as affected by Chapter 79 and 391, Laws of '81 effective 1/1/82 which states in part: "Natural persons. Licenses and permits related to alcohol beverages, issued to natural persons under this chapter, may be issued only to persons who: 1. Do not have an arrest or conviction record, subject to s. 111.321, 111.322, and 111.335: . . ." Statute 111.335---Arrest or conviction record: Exceptions and special cases---reads in part: "(c) Notwithstanding s. 111.322 it is not employment discrimination because of conviction record to refuse to employ or license, or to bar or terminate from employment or licensing any individual who: 1. Has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity; ..."

Qualifications for license in accordance with Wisconsin State Statute 125.04(5)(b) which states: "Criminal offenders. No License or permit related to alcohol beverage may, subject to ss. 111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.

M E M O R A N D U M

Based on the above information, I recommend that this applicant be denied his beverage operator's license application. These offenses he has been arrested for DO substantially relate to the circumstances of the particular job or licensed activity as required under Chapter 125.

DM/JT