



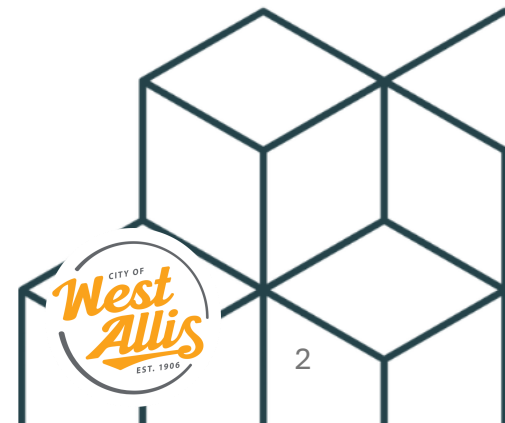
# License Renewal Process

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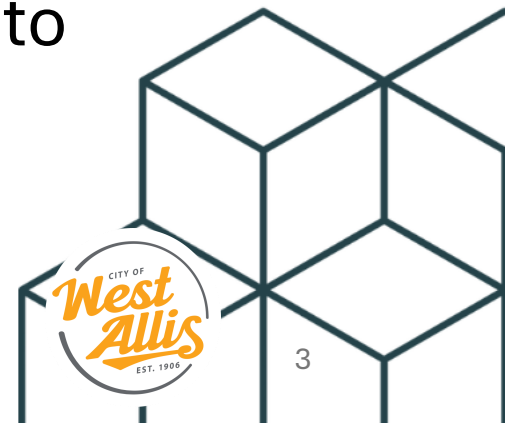
# Existing Licenses

- An existing license is property
  - That interest is protected by the U.S. and Wisconsin constitutions
- Each retail alcohol license expires annually on June 30
  - Licensees should apply for renewal by April 15
  - The council must act on those applications by June 15
- Existing licenses must be renewed unless:
  - The licensee violates a law related to the license, or
  - The licensee no longer qualifies for the license.



# Existing Licenses

- All licensees will be presented to the council in batches for renewal, except instances in which staff recommend non-renewal
  - If you believe there is a reason not to renew a license that is scheduled for renewal, please ask that it be removed from the list and then contact the city attorney's office
- State law requires a notice to licensees if the council intends on not renewing their license and an opportunity to have a hearing on renewal



# Denying a renewal license application

- Non-renewal regulated by Wis. Stat. § 125.12
- Within the notice of intent to not renew, the City must allege one or more of the following:
  - Violated municipal regulation or state law
  - Keeps or maintains a disorderly establishment
  - Sold or given away alcohol to “known habitual drunkards”
  - Licensee does not possess qualifications to hold a license
  - Licensee convicted of possession with intent or delivery of controlled substance

# Examples on Agenda

- For tonight, staff recommends not renewing four licensees
  - Item #31
- These are allegations only
- If the affected licensees wish to have a hearing, these allegations will need to be proven with testimony and evidence

# Examples on Agenda tonight

- Three licenses are scheduled for nonrenewal based on debt owed to a wholesaler
- The City is prohibited from issuing retail licenses to “any person having an indebtedness” over 15 days for beer or 30 days for liquor.
  - Wis. Stat. §§ 125.33(7)(b) and 125.69(4)(b)
- Wholesalers notify the City throughout the year when retail licensees have a delinquent debt
  - The clerk places a hold on the license
  - The hold is lifted if the wholesaler says the debt is paid

# Examples on Agenda tonight

- By notifying the licensees of the intent to not renew due to outstanding debt, the licensees have an opportunity to pay or dispute the debt
- The licensee may request a hearing at which time the City would have to prove the allegation

# Examples on Agenda tonight

- One license is scheduled for nonrenewal based upon failure to submit proof of a seller's permit
- A qualification for an alcohol license is submitting proof of a state seller's permit
  - Wis. Stat. § 125.04(5)(a)4.
- The state department of revenue notifies the City after a licensee's seller's permit is revoked
  - The clerk places a hold on the license
  - The hold is lifted if the state says the seller's permit was reinstated



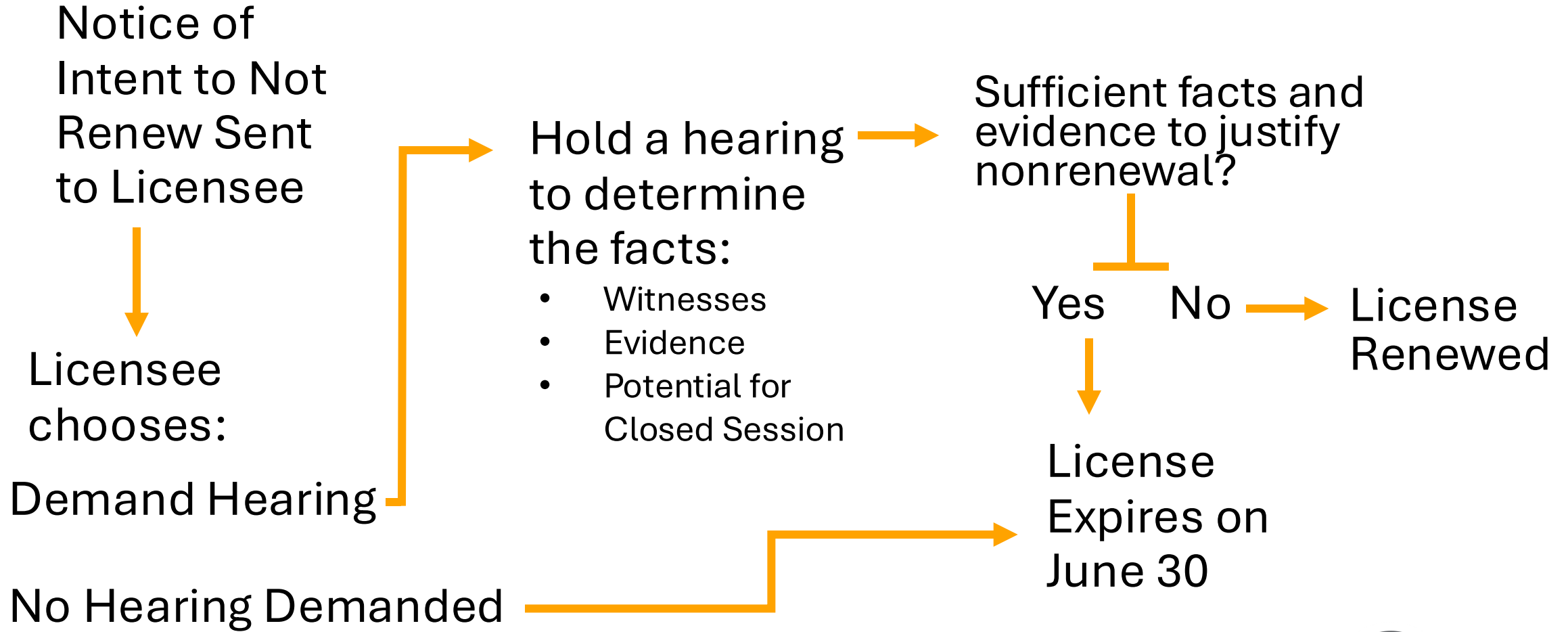
# Examples on Agenda tonight

- The licensee appeared before the council or a committee on September 3, September 17, October 1, and January 14
- In each instance, he was notified of the state's allegation that his seller's permit was revoked and that his license would not be renewed if those allegations were true
  - The licensee has disputed the state's allegations
- The licensee may request a hearing at which time the City would have to prove the allegation

# Delayed Impact on Licensees

- Why not seek revocation of those licenses immediately?
- In both cases, the law is worded in a way that the City can only act during the renewal process.
  - No “license may be issued” to an indebted licensee
    - Does not allow revocation or suspension
    - The only date on which an existing license is re-issued is July 1
  - Licensees must only submit proof of a seller’s permit
    - Licensee qualifies for the year after submitting proof
    - No requirement to submit proof during the license year; only at renewal

# Hearing process for Public Safety Committee



# Non-Renewal vs. Suspension/Revocation

- Non-renewal is usually reserved for instances in which a licensee no longer qualifies for a license
  - Presented to council in a batch with short summary
  - Suspension is not an option
- If staff recommends a license for nonrenewal based upon arrest or conviction record, that will be identified in a separate file
- It is more likely that the council will receive a verified complaint if discipline is sought based on arrest/conviction record
  - Options include suspension for 10-90 days or revocation

# Questions?

