

**Subject:** RE: West Allis Wine License application and occupancy  
**Date:** 2021-02-12 08:28:28  
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**From:** Nicholas Cerwin  
**To/Cc:** 'Tedrick Timmons' [±](#)

Tedrick,

Alcohol Licensing is a messy process thanks to a lot of legislation on the State level. I advise on it regularly and still find new areas of the law that make things difficult.

I cannot give you legal advice on your application or how you intend to run the operation but what you propose does not sound unreasonable. Ultimately you'll have to decide how you'd fit into one of the statutory categories under Wis. Stat. 125.32(3m):

- Hotel
- Restaurant
- Sporting goods store and tavern
- Novelty and tavern
- Bowling center or rec premises
- Club
- Movie theatre
- Painting studio

The Novelty and Tavern category may be the best option here but that is up to you if that's the category you'd think you would fall under and the committee if they agree. I should point out that the Department of Revenue (State agency) could void the license if they feel that the issuance of the license is in violation of the statutes. I don't say that to scare you at all and I think that's a very remote issue, but just so you're prepared with identifying how you can comply with the statutes in the future IF the DOR comes knocking.

Regarding specific alcohol sales, if the Class B license were approved without conditions, it would grant you the ability to sell beer, wine, and liquor. As your application indicates, it sounds like you're only interested in wine. The Committee could put conditions on the license to limit to wine only so I only brought that up in case your plan and application were different.

Thanks for reaching out and for the unique ideas! Hopefully everything goes great through committee and the business is lucrative for you. Sounds like a fun idea.

Nick Cerwin

Assistant City Attorney

**From:** Tedrick Timmons [mailto:[tedricktimmons@thecandleco.com](mailto:tedricktimmons@thecandleco.com)]  
**Sent:** Thursday, February 11, 2021 5:34 PM  
**To:** Nicholas Cerwin  
**Cc:** Ann Marie Neff; Rebecca Grill; Janel Lemanske; Shaun Mueller  
**Subject:** Re: West Allis Wine License application and occupancy

Good Evening,

Thank you for sharing this information as it is super beneficial and helpful for me to know. I don't know if I have been explaining how we plan to utilize alcohol but it is in the same manner as a painting with a twist.

We don't want to sell wine as a product per se but our desire is to serve a glass of wine to individuals who have registers for our candle making class. Nothing more than that.

The Health inspector has come out to the property already and we passed the inspection from a health perspective. If the intent is to only serve wine in the capacity with creating candles and utilizing the same concept as pairing with a twist, what class would this fall under? And are there any restrictions or potential concerns around how this particular process would work.

I am completely new to this process so please forgive any of my of my ignorance, but I do seek to understand more.

Thanks,

Tedrick Timmons

On Feb 11, 2021, at 3:16 PM, Nicholas Cerwin <NCerwin@westalliswi.gov> wrote:

Good Afternoon All,

I believe today is the first I am seeing this as far as I recall. That's not problematic since I am not a gate keeper in this process but I want to point out potential issue with the plan of operation. I am leaving the applicant on the email as well so that these concerns may be addressed with the committee if/when they come up. When is this being scheduled for review by the License and Health Committee?

First, Wisconsin Statute section 125.32(3m) limits businesses that can obtain a class B license. Those establishments are limited to the following types of businesses (I am paraphrasing):

- Hotel
- Restaurant
- Sporting goods store and tavern
- Novelty and tavern
- Bowling center or rec premises
- Club
- Movie theatre
- Painting studio

The Development Department and applicants should be aware of these restrictions and should be able to address how they can comply with state law. This is not a requirement that West Allis created to be

clear. I cannot advise the applicant on how to argue they are valid under the law but there may be sufficient grey area for the committee to approve if presented correctly and if the committee wants to approve this. I do not believe I can advise the committee this would meet the painting studio classification so the applicant may need to sort out another option to explain how this could be in compliance with state regulations.

The second issue is that the licensee has listed that they want to sell wine only. A combination class B license allows for beer and/or liquor as well. Based on the proposed plan of operation, the License and Health Committee may have concerns about how to approve this or if the intent is to just proceed with wine only. The Committee may elect to impose conditions on the license, if granted, to limit to just wine so the applicant should be prepared to address whether their application is accurate or there is an intent to proceed with additional types of alcohol.

Let me know if there are any questions or concerns.

**Nicholas Cerwin**

Principal Assistant City Attorney | City Attorney's Office  
City of West Allis  
7525 W. Greenfield Ave. | West Allis, WI 53214  
Dept: 414-302-8450  
[thatswhywestallis.com](http://thatswhywestallis.com)

**From:** Ann Marie Neff  
**Sent:** Thursday, February 11, 2021 2:29 PM  
**To:** Tedrick Timmons  
**Cc:** Rebecca Grill; Janel Lemanske; Nicholas Cerwin  
**Subject:** RE: West Allis Wine License application and occupancy

Yes, Thank you.

Pending a review by the City Attorney Office and the License & Health Committee, the application appears to be in order.

We accept cash, check or money order only for payments.

When we receive payment either in person or in the night drop box located on the parking lot side of City Hall, to the east of the glass doors, 7525 W. Greenfield Ave., we are required to hold the application for 15 days before the License & Health Committee and Council can act on it.

Here would be the time line for submittal to council introduction:

If we receive payment by	It may go to Council
February 15, 2021, 5:00 p.m.	March 2, 2021
March 1, 2021	March 16, 2021
March 22, 2021	April 7, 2021

You will receive an email regarding a virtual appearance with the License & Health Committee to explain discuss your experience, application and business plan.

Be sure to apply for the Occupancy Permit

Business Occupancy Permits link <https://www.westalliswi.gov/133/Business-Occupancy-Permit>

Before you may begin selling alcohol, wine or beer, you must have an approved Occupancy Permit and an alcohol license must be issued and posted,

You are required to have completed inspections from

Fire (414-302-8901),

Health (414-302-8600) (Health is also where you would apply for the food permit) and

Building Inspections (414-302-8400) (electrical and or plumbing inspections) and acquired an Occupancy Permit from Building Inspections.

**Ann Marie Neff**

Administrative Support Specialist | Clerk's Office

City of West Allis

7525 W. Greenfield Ave. | West Allis, WI 53214

Office: 414-302-8202 | Dept: 414-302-8220

[thatswhywestallis.com](http://thatswhywestallis.com)

**From:** Tedrick Timmons [mailto:[tedricktimmons@thecandleco.com](mailto:tedricktimmons@thecandleco.com)]  
**Sent:** Thursday, February 11, 2021 2:10 PM  
**To:** Ann Marie Neff  
**Subject:** Re: West Allis Wine License application and occupancy

Here are the updates as you have requested. Please let me know if these corrections are appropriate.

Thanks,

Tedrick Timmons

On Feb 11, 2021, at 12:10 PM, Ann Marie Neff <[ANeff@westalliswi.gov](mailto:ANeff@westalliswi.gov)> wrote:

Correction on the license fee to \$300. See below.

My apologies.

**Ann Marie Neff**  
Administrative Support Specialist | Clerk's Office  
City of West Allis  
7525 W. Greenfield Ave. | West Allis, WI 53214  
Office: 414-302-8202 | Dept: 414-302-8220  
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**From:** Ann Marie Neff  
**Sent:** Thursday, February 11, 2021 11:01 AM  
**To:** Tedrick Timmons  
**Cc:** Rebecca Grill  
**Subject:** RE: West Allis Wine License application and occupancy

Tedrick,

Thank you for your application and paperwork.

Just a couple things I noticed as I reviewed it.

And the fees due are:

\$15 Publication

\$15 Record Check Fee

\$300 License Fee (remember this license expires June 30, 2021. You will receive a renewal notice in April)

**\$330 Total Due**

On your auxiliary Questionnaire it asks for your last 2 employers. You left that blank.

Please complete.

On the Appointment of Agent form

“to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/ organization/limited liability company having or applying for, a beer and/or liquor license for any other location in Wisconsin?”

the yes or no box needs to be checked

a signature of an officer or member needs to sign to appoint you agent.

Even if it is just you, we require your signature there

I noticed you checked The Candle Company is an LLC and the Articles of Incorporation paperwork reflect that name.

However, your Wisconsin Department of Revenue Seller's Permit does not say LLC. Is this just an oversight on the paperwork?

Please update your application in all places to reflect The Candle Company, LLC

The doing business name will be The Candle Company?

What part does (The Vibe Candle Bar) play for the name of the business or the entity?

**Ann Marie Neff**

Administrative Support Specialist | Clerk's Office  
City of West Allis  
7525 W. Greenfield Ave. | West Allis, WI 53214  
Office: 414-302-8202 | Dept: 414-302-8220  
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**From:** Tedrick Timmons [mailto:[tedricktimmons@thecandleco.com](mailto:tedricktimmons@thecandleco.com)]  
**Sent:** Thursday, February 11, 2021 10:30 AM  
**To:** Ann Marie Neff  
**Cc:** Tedrick Timmons  
**Subject:** Re: West Allis Wine License application and occupancy

Here is the completed application for the wine license for The Candle Company.

Thanks,

Tedrick Timmons

On Jan 14, 2021, at 4:51 PM, Ann Marie Neff <[ANeff@westalliswi.gov](mailto:ANeff@westalliswi.gov)> wrote:



Mr. Timmons:

Attached is the application packet (which was previous sent on October 30, 2020) to apply for your alcohol license for the premises at 8100 W. National Ave. Your business plan has a bit confused as to whether you are selling candle with wine for off premise consumption or if you are serving wine for on premise consumption during your classes and for entertainment and recreational purposes.

A Class A Liquor allows samples (free) and bottle purchases for off premise consumption.

A Class B Tavern allows for sales of wine for on premise consumption.

These are 2 different types of licenses. You are only allowed one license per address.

We are required by law to hold an application for 15 days before council can act on the application. Keep that in mind for your timeline.

Please let us know if you have any further questions.

Ann

Attached you will find the packet for a New alcohol license application.

You had stated you were interested in packaging wine with candles. You would be applying for a Combination Class A Liquor License. This is the only type of license that would allow you to sell wine for off premise consumption and allow you to do wine sampling. The fee is prorated depending on the month you submit the application. (see the chart on the first page). You may call or email me for clarification if needed.

There is a publication fee (\$15)

A record check fee (\$15) is charged for each person listed on the application that lives in the state of WI.

Page 2-3           Is the state application

Page 4            Each member including the agent needs to have an auxiliary form filled out and signed.

Page 5            The agent also needs to complete the Schedule for appointment of agent and a member of the organization needs to sign it.

Page 6            We require a detailed floor plan per the instruction sheet

Page 7-8          The plan of Operation form needs to be submitted with the application

Page 9-10        Public Entertainment form not needed for a Class A license

We accept cash, check or money order for payment when the application is submitted. (license fee, record check fees, and publication fee).

Minimum payment at the time of applying would be \$200 plus, publication, plus record check fees.

We hold an application for fifteen (15) days before it is introduced to the License & Health Committee for recommendation to the Council for the final vote.

Before you may begin selling alcohol, wine or beer, a license must be issued and posted, you are required to have completed inspections from

Fire (414-302-8901),

Health (414-302-8600) (Health is also where you would apply for the food permit) and

Building Inspections (414-302-8400) (electrical and or plumbing inspections) and acquired an Occupancy Permit from Building Inspections.

Business Occupancy Permits link <https://www.westalliswi.gov/133/Business-Occupancy-Permit>

Please feel free to reach out if you have any further questions or concerns.

**Ann Marie Neff**

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City of West Allis operations continue during COVID-19. City offices are open to the public with limited hours. City Hall public hours are 11:30 a.m. - 4:30 p.m., Monday - Friday. Access to the building will only be available through the south entrance. Visitors to the building will be greeted at our new customer service center and, if needed, escorted to their destination within the building. Many City services can be accessed online at [www.westalliswi.gov/mycityhall](http://www.westalliswi.gov/mycityhall) or by appointment with specific departments.

The City of West Allis is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of West Allis e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of West Allis full e-mail disclaimer at <http://www.westalliswi.gov/emaildisclaimer>

<New License application packet.pdf>

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