



“...meeting community needs...enhancing quality of life.”

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TO: Safety and Licensing Committee

FROM: Lt. Adam Nagel

DATE: 03/10/2021

RE: Denial of Michael R. Alger

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Committee Members:

As designee for the police department, I am requesting that the Safety and Licensing Committee recommend to the Common Council to deny Michael R. Alger's application for an operator's license.

It is not employment discrimination for a licensing agency to deny an applicant based on conviction record where the circumstances of the conviction substantially relate to the circumstances of the particular licensed activity.

No license or permit related to alcohol beverages may be issued to a habitual law offender where the circumstances of the offenses substantially relate to the circumstances of the particular licensed activity. A person is a habitual law offender if they have 1 felony conviction or repeat misdemeanor or ordinance violations.

Also, an applicant is allowed an opportunity to show evidence of rehabilitation and fitness to engage in the licensed activity, *unless the conviction(s) are for exempt offenses.*

Michael Alger's conviction record shows two prior sex assault convictions. One was for a violation of Wis. Stat. §940.225 (4<sup>th</sup> Degree Sexual Assault). The other was for a violation of Wis. Stat. §948.02 (2<sup>nd</sup> Degree Sexual Assault of a Child). Because violations of Wis. Stat. §940.225 and §948.02 are exempt offenses, Council need not allow Michael Alger an opportunity to show evidence of rehabilitation and fitness to engage in the sale of alcohol. I find both of these convictions to be substantially related to the sale of alcohol. When a person commits a sexual based crime or crime against a child it shows a lack of character and judgement and a tendency to target vulnerable people. Being a responsible seller of alcohol requires good character and judgment particularly around intoxicated and vulnerable people.

Additionally, because Michael Alger's multiple criminal convictions are substantially related to the ability to responsibly sell alcohol, I find Michael Alger to be a habitual law offender. Furthermore, Michael Alger's conduct continues to violate the law. On 01/23/21, Appleton Police officers conducted a licensed premises check at a Citgo gas station (1717 W. College Ave). During this check, Michael Alger was found to be working alone and had the ability to sell alcohol. Michael told the officer he was aware he needed a license to serve alcohol but had not

obtained a license yet. Michael was cited for not having an operator's license. Because Michael Alger already has multiple criminal convictions, including 1 felony, his conduct in selling alcohol without an operator's license further demonstrates that he is a habitual law offender.

Based on the foregoing reasons, the Appleton Police Department recommends that the Safety and Licensing Committee recommend to the Common Council to deny Michael Alger's application for an operator's license.

Respectfully:

Lt. Adam Nagel #9191  
Appleton Police Department