



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

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 8/09/2024

RE: Police Department’s Recommendation for Denial of Kelly Arndt’s Bartender
Renewal License Application

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Kelly Arndt’s application for a bartender renewal license based upon her criminal and / or arrest record, her unpardoned felony conviction(s), and her status as a “habitual law offender.”

Pursuant to Wis. Stat. §111.335(2)(b) and (3)(a), it is not employment discrimination for a licensing agency to deny an applicant based on an arrest or conviction record where the circumstances of the conviction substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(a)1., no license or permit related to alcohol beverages may be issued to an individual with an arrest or conviction record where the circumstances of the record(s) substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(b), no license or permit related to alcohol beverages may be issued to a “habitual law offender” where the circumstances of the habitual law offenses substantially relate to the circumstances of the particular licensed activity.

Also pursuant to Wis. Stat. §111.335(4)(c), if the licensing agency refuses to license an individual based upon arrest or conviction record, the 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.”* Wis. Stat. §111.335(4)(d) provides the following options that the applicant may produce to conclusively demonstrate their rehabilitation and fitness from a given conviction:

- A copy of the local, state, or federal release document; and either
- (1) a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or

(2) other evidence that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime along with evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.

Additionally, the licensing agency must consider any of the following evidence if presented by the individual:

- (1) Evidence of the nature and seriousness of any offense of which he or she was convicted.
- (2) Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense.
- (3) The age of the individual at the time the offense was committed.
- (4) The length of time that has elapsed since the offense was committed.
- (5) Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution.
- (6) All other relevant evidence of rehabilitation and present fitness presented.

STATEMENT ON SUBSTANTIAL RELATIONSHIP

As part of any denial of licensing, the police department must determine if crimes are substantially related to the sale of alcohol. During the 2023-2024 fiscal licensing year, Ms. Arndt was arrested and formally charged with the following:

2023CF000224 in Calumet County

9/26/2023

- Possess w/Intent-Cocaine (>15-40 grams), a Class D Felony

2024CF000338 in Outagamie County

4/15/2024

- Bail Jumping, a Class H Felony

- Possession of Cocaine, a criminal Misdemeanor offense

While Ms. Arndt held an Operator/Bartender license during the 2023-2024 fiscal year, she was arrested for cocaine related offenses twice. The first arrest involved a substantial amount of cocaine and pertaining to drug dealing activity. Ms. Arndt was arrested for Possession of Cocaine a few months later and also violated the conditions of her bond by committing a new crime. Additionally, the renewal Operator/Bartender license application clearly instructs the applicant to:

“List any pending charges, citations, tickets, and all convictions since last license application in or out of state. Failure to provide complete answers may result in a denial of your application.”

Directly under that section, Ms. Arndt failed to disclose her two recent drug arrests. Ms. Arndt has displayed poor decision-making skills during this last year while she held a City of Appleton Operator/Bartender license. While working at a bar, Ms. Arndt will undoubtedly come into

contact with individuals who are in a vulnerable, intoxicated state. Some of these individuals may suffer from addiction, whether it's to alcohol or drugs. Ms. Arndt must show the ability to make sound decisions when it comes to knowing when to stop serving a patron. Her being arrested twice in the last year for drug possession/drug dealing shows she does not possess the proper decision-making skills to responsibly serve alcohol to members of the public. Also, bars and taverns have frequently been locations where drugs are bought/sold/exchanged based on my experience as a police officer. Given Ms. Arndt's recent troubles with possessing and selling cocaine, granting her an Operator/Bartender license would only increase the likelihood of her reoffending.

Based upon the information provided, it is the Appleton Police Department's opinion that Kelly Arndt's Operator/Bartender's renewal license application be denied.

Very Respectfully:

Lt. Ben Goodin
Appleton Police Department