

**IN THE CITY OF APPLETON,
OUTAGAMIE COUNTY, STATE OF
WISCONSIN, BEFORE THE
SAFETY AND LICENSING COMMITTEE**

CITY OF APPLETON,
A Wisconsin Municipal Corporation
100 North Appleton Street
Appleton, WI 54911

v.

CORE'S LOUNGE, LLC
Agent: Kor Xiong
1350 West College Avenue
Suite D
Appleton, WI 54911

REPORT TO THE COMMON COUNCIL OF THE CITY OF APPLETON

The above matter came before the Safety and Licensing Committee on April 13, 2022, after a Complaint was filed with the City Clerk on March 29, 2022, requesting that the alcohol beverage license issued to Core's Lounge, LLC be revoked. A copy of this report shall be given to the complainant and licensee. If either the complainant or licensee files an objection to this report with the City Clerk prior to the matter being decided by the Common Council, they will have an opportunity to present arguments supporting the objection to the Common Council, who shall determine whether the arguments shall be presented orally or in writing or both.

FINDINGS OF FACT

1. Core's Lounge, LLC, doing business as Core's Lounge, has a premises licensed by the City of Appleton for retail alcohol beverage sales located at 1350 W. College Ave. in Appleton, Wisconsin.
2. Kor Xiong is the owner for Core's Lounge, LLC.
3. Nou Vang is an employee of Core's Lounge, LLC.
4. Core's Lounge, LLC possesses a Combination Retail License for Class "B" Fermented Malt Beverages and Reserve "Class B" Intoxicating Liquors.

5. On November 10, 2021, Nou Vang was found guilty and convicted of Excessive Noise based on her conduct while working at Core's Lounge on July 25, 2021.
6. On November 10, 2021, Nou Vang was found guilty and convicted of Open After Hours based on her conduct while working at Core's Lounge on July 25, 2021.
7. On November 10, 2021, Kor Xiong was found guilty and convicted of Open After Hours based on his conduct and position at Core's Lounge on September 4, 2021.
8. On November 23, 2021, notice was sent to Kor Xiong indicating that the license had acquired 145 demerit points within the last 12 and 18 months and that for demerit points totaling 150-199 within 12 months the license may be suspended and for 200 or more demerit points within 18 months the license may be revoked.
9. On March 9, 2022, Nou Vang was found guilty and convicted of Permitting Underage Person to Loiter on Premises based on her conduct while working at Core's Lounge on February 13, 2022.
10. On March 29, 2022, Polly Olson, a resident of Appleton, filed a sworn, written Complaint with the City of Appleton Clerk requesting revocation of the alcohol beverage license issued to Core's Lounge.
11. On April 1, 2022, a Summons and Complaint was served on Kor Xiong commanding him to appear before the Safety and Licensing Committee on April 13, 2022, at 5:30 p.m. to show cause why his alcohol beverage license should not be revoked.
12. On April 13, 2022, Kor Xiong appeared at the Safety and Licensing Committee meeting and denied the complaint.

CONCLUSIONS OF LAW

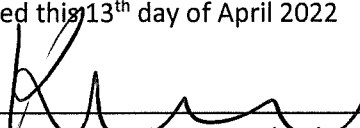
1. The Safety and Licensing Committee of the Common Council of the City of Appleton has proper jurisdiction to conduct a revocation hearing for alcohol beverage licenses pursuant to Section 9-54 of the Municipal Code of the City of Appleton and Wis. Stat. §125.12.
2. The Safety and Licensing Committee can revoke an alcohol beverage license for causes provided in Wis. Stat. §125.12, including violations of municipal regulations adopted under Wis. Stat. §125.10.
3. The Demerit Point System contained in Section 9-54 of the Municipal Code of the City of Appleton is a municipal regulation adopted under Wis. Stat. §125.10.
4. Pursuant to Section 9-54 of the Municipal Code of the City of Appleton, upon the conviction for Excessive Noise and based on the evidence presented, this violation is concluded to be substantially related to the retail sale of alcohol beverages and is a conviction for Other Acts-Noise Complaints. **Therefore, 45 demerit points shall be assigned to the licensee as of the date of violation, July 25, 2021.**

5. Pursuant to Section 9-54 of the Municipal Code of the City of Appleton, upon the conviction for Open After Hours and based on the evidence presented, this violation is concluded to be substantially related to the retail sale of alcohol beverages. **Therefore, 50 demerit points shall be assigned to the licensee as of the date of violation, July 25, 2021.**
6. Pursuant to Section 9-54 of the Municipal Code of the City of Appleton, upon the conviction for Open After Hours and based on the evidence presented, this violation is concluded to be substantially related to the retail sale of alcohol beverages. **Therefore, 50 demerit points shall be assigned to the licensee as of the date of violation, September 4, 2021.**
7. Pursuant to Section 9-54 of the Municipal Code of the City of Appleton, upon the conviction for Permitting Underage Person to Loiter on Premises and based on the evidence presented, this violation is concluded to be substantially related to the retail sale of alcohol beverages. **Therefore, 80 demerit points shall be assigned to the licensee as of the date of violation, February 13, 2022.**
8. The licensee was properly warned of the consequences of additional violations by the notification sent on November 23, 2021, pursuant to Section 9-54(d) of the Municipal Code of the City of Appleton.
9. The Safety and Licensing Committee concludes that the total number of demerit points assessed to the Core's Lounge, LLC within an 18-month period beginning on the date of the first conviction above is 225.
10. The Safety and Licensing Committee concludes that Section 9-54(d)(3) of the Municipal Code of the City of Appleton calls for the revocation of a license when the total number of demerit points within an 18-month period is 200 or greater.
11. The Safety and Licensing Committee concludes that the Complaint is found to be true.

RECOMMENDATION

Based on the above findings of fact and conclusions of law, the Safety and Licensing Committee recommends that the Common Council of the City of Appleton **FIND THE COMPLAINT TO BE TRUE AND REVOKE** the Combination Retail License for Class "B" Fermented Malt Beverages and Reserve "Class B" Intoxicating Liquors issued to Core's Lounge, LLC.

Dated this 13th day of April 2022



Alderperson Katie Van Zeeland
Chairperson, Safety and Licensing Committee