



"...meeting community needs...enhancing quality of life."

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Adam Nagel

DATE: 06/15/2023

RE: Police Department's Recommendation for Denial of Kor Xiong / Core's Lounge
LLC Class "B" Beer License Application.

Committee and Council Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to **deny** Kor Xiong's application for a Class "B" Beer License Application. This application is for the business Core's Lounge at 1350 W College Ave. The owner of this establishment, Kor Xiong and others associated with Core's Lounge have received multiple citations at Core's Lounge. These have included multiple underage drinking violations, noise complaints, and disorderly/violent behavior. Core's Lounge's liquor license was revoked by the common council in April 2022 and we have not seen any positive changes to the establishment that would reasonably demonstrate the assurances required to grant such a license to a habitual law offender.

In addition to the applicant being a habitual law offender, the Police Department believes that there are significant concerns for the public health, safety, and welfare of the community. Based on the convictions outlined below and the dozens of other instances where law enforcement assistance was requested due to excessive noise coming from the formerly licensed premises, we believe that each of the following reasons alone provide enough of a basis to deny the application, let alone in combination:

1. there will be an adverse impact on the overall peacefulness and quietness of the neighborhood where the establishment is located;
2. the proximity of the establishment to this particular residential area; or
3. the inability of police to provide law enforcement services to the new establishment and the impact of the new establishment on the ability to provide law enforcement services to the balance of the community at all times (i.e., we previously spent significant amounts of resources responding to this establishment and a person fell victim to gun violence. To increase police resources to a level that would assure public safety would take away from the safety of the remainder of Appleton).

Under Wisconsin law no license 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 an applicant is allowed an opportunity to show evidence of rehabilitation and fitness to engage in the licensed activity. 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.

As part of any denial of licensing, the police department must determine if incidents are substantially related to the sale of alcohol. Kor Xiong and other staff responsible for the management of Core's Lounge were cited on multiple different occasions for offenses related to the sale of alcohol. These violations are detailed below. Nou Vang was a bar manager for Kor Xiong at Core's Lounge at all times relevant to the citations noted below. Kor was also cited and found guilty on two separate occasions for alcohol violations after Core's Lounge's alcohol licenses were revoked. Please consider this fact against any evidence of rehabilitation that the applicant may produce.

- On or about 11/05/22 Kor Xiong was cited at Core's Lounge for Operating a Premises without a Licensed Operator in violation of Appleton City Ordinance 9-51. There was a finding of guilt on this citation on or about January 4, 2023.
- On or about 04/24/22 Kor Xiong was cited at Core's Lounge for Operating a Premises without a Required Alcohol License in violation of Appleton City Ordinance 9-51. There was a finding of guilt on this citation on or about June 29, 2022.
- On or about 02/13/22 Kor Xiong hosted an event at Core's Lounge. During this event a person was shot. The individual arrested for this shooting was convicted of 1st Degree Reckless Injury on or about 10/12/2022. Multiple underage drinkers were located and cited. Underage drinkers admitted to being in Core's Lounge that evening. Nou Vang was cited for Permitting Underage Person to Loiter on Premises. There was a finding of guilt on this citation on or about March 9, 2022.
- On or about 09/04/21 Kor Xiong was cited at Core's Lounge for being Open After Hours / Failing to vacate in violation of Appleton City Ordinance 9-52(4). There was a finding of guilt on this citation on or about November 10, 2021.
- On or about 07/25/21 Nou Vang was cited at Core's Lounge for being Open After Hours / Failing to vacate and Loud and Excessive Noise in violation of Appleton City

Ordinance 9-52(4) and 12-80. There were findings of guilt on both citations on or about November 10, 2021.

- On or about 12/24/19 Kor Xiong was cited at Core's Lounge for Loud and Excessive Noise in violation of Appleton City Ordinance 12-80. There was a finding of guilt on this citation on or about July 15, 2020.

The above-mentioned violations have a significant link to the ability to serve alcohol responsibly and maintain control of a business. The service of alcohol includes coming into contact with individuals in a very vulnerable state and the Police Department feels that Kor Xiong and the bar management staff have not demonstrated the necessary maturity and decision-making capacity to be allowed an alcohol beverage license in the City of Appleton, including continued law violations after their previous alcohol license was revoked. Being aware of no evidence showing the licensee's rehabilitation and fitness to engage in the licensed activity, the Police Department recommends that the Council deny the application based on the applicant being a habitual law offender. Additionally, the Police Department's aforementioned concerns for public health, safety, and welfare of the community provide further reason to deny this application.

Very Respectfully:

A handwritten signature in black ink, appearing to read 'Adam Nagel', written over a horizontal line.

Lt. Adam Nagel
Appleton Police Department