



APPLETON POLICE DEPARTMENT

COMPASSION ★ INTEGRITY ★ COURAGE

Appleton Police Department
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TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 05/23/2025

RE: Police Department's Recommendation for Denial of Tandem Wine Bar's Business Alcohol License Renewal Application

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Tandem Wine Bar's application for a business alcohol license renewal which is located at 101 W. Edison Ave. Suite 100 Appleton, WI. This recommendation is made based upon the fact that the owner of the LLC, George Koenig, is ineligible for licensure based upon arrest and / or conviction record under §125.04(5)(a)1., and the fact that he has been a habitual law offender under §125.04(5). Because he is a member of the LLC seeking the license, the LLC is also ineligible for licensure pursuant to §125.04(5)(b).

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



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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, though none are required to be accepted as conclusive proof of rehabilitation:

- (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. Mr. Koenig is a habitual law offender based on the following convictions which are substantially related to the licensed activity:

Operating While Intoxicated (1st) contrary to Wisconsin Statutes §346.63(1)(a), in Outagamie County case # 2017TR003458. This is a civil forfeiture.

Operating While Intoxicated (2nd) contrary to Wisconsin Statutes §346.63(1)(a), in Winnebago County case # 2018CT000941. This is a misdemeanor criminal offense.



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Operating with a Prohibited Alcohol Concentration (3rd) contrary to Wisconsin Statutes §346.63(1)(b), in Fond du Lac County case # 2024CT000651. This is a misdemeanor criminal offense.

Impaired driving is a serious offense and a major problem not only in Wisconsin but across the entire country. Mr. Koenig has not shown the ability to make sound decisions by understanding when he is under the influence of alcohol and is unsafe to operate a motor vehicle. A person serving alcohol to members of the public must be aware of when a patron has had enough to drink and should not be served any longer.

The service of alcohol includes coming into contact with individuals in a very vulnerable state. These circumstances substantially relate to the circumstances of the above-described offenses.

Engaging in the licensed activity of the retail sale of alcohol also provides the direct opportunity for the same or similar unlawful behavior to be repeated.

Wis. Stat. §125.04(5)(c) states: “*Corporations and limited liability companies.* No license or permit may be issued to any corporation or limited liability company unless that entity meets the qualifications under pars. (a) 1. and 4. and (b), unless the agent of the entity appointed under sub. (6) and the officers and directors, or members or managers, of the entity meet the qualifications of pars. (a) 1. and 3. and (b) and unless the agent of the entity appointed under sub. (6) meets the qualifications under par. (a) 2. and 5. The requirement that the entity meet the qualifications under pars. (a) 1. and (b) does not apply if the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.”

Mr. Koenig’s repeated OWI convictions qualify him as a habitual law offender and additionally leave him with a conviction and / or arrest record that leave him ineligible for licensure. Since Mr. Koenig is still a member of the LLC that is wishing to renew its business liquor license, the Appleton Police Department is recommending the business’s renewal application be denied.

Very Respectfully,

Lt. Ben Goodin

Appleton Police Department