

13-1871

STATE OF WISCONSIN

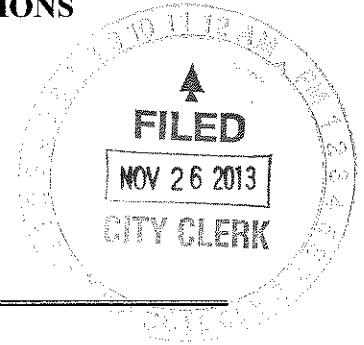
CITY OF APPLETON

**CITY OF APPLETON,
a Wisconsin Municipal Corporation,
100 N. APPLETON STREET
APPLETON, WI 54911**

SUMMONS

v.

**TJS JAPANESE STEAKHOUSE
XI LIN (AKA CINDY LIN), AGENT
4025 EAST LORNA LANE
APPLETON, WI 54915**



TO: Any City of Appleton Police Department Officer


PLEASE TAKE NOTICE THAT,

**XI LIN (AKA CINDY LIN)
4025 EAST LORNA LANE
APPLETON, WI 54915**

is commanded to appear at the Safety and Licensing Committee Meeting on Thursday, December 12, 2013, at 6:00 p.m. in the Council Chambers, 6th floor of the City Center, 100 North Appleton Street in the City of Appleton and show cause why her "Class B" Alcoholic Beverage License should not be revoked in accordance with Wis. Stat. sec. 125.12.

Dated in Appleton, Wisconsin this 18th day of November, 2013.

CITY OF APPLETON



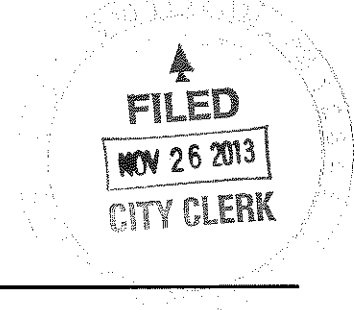
Wendy Helgeson, Deputy City Clerk

CITY OF APPLETON,
a Wisconsin Municipal Corporation,
100 N. APPLETON STREET
APPLETON, WI 54911

COMPLAINT

v.

TJS JAPANESE STEAKHOUSE
XI LIN (AKA CINDY LIN), AGENT
4025 EAST LORNA LANE
APPLETON, WI 54915



On December 12, 2013 at 6:00 P.M., the Safety and Licensing Committee of the Common Council of the City of Appleton will meet in the Council Chambers, 6th floor of the City Center, 100 North Appleton Street, Appleton, Wisconsin, at which time the Appleton Police Department, by Chief of Police, Peter Helein, a resident of the City of Appleton, will ask the Committee to recommend to the Common Council that it revoke the alcohol beverage license issued to TJ's Japanese Steakhouse located at 4025 East Lorna Lane, Appleton, Wisconsin, 54915.

The recommendation of the Appleton Police Department and Chief Peter Helein, is being made based upon the following information and belief:

INCIDENT ONE

1. On December 17, 2011, Miranda B. Schuh, an employee on duty at TJ's Japanese Steakhouse, was issued a citation for sale of a fermented beverage to an underage person.
2. On December 17, 2011, Simone N. Kramer, who was 20 years of age on this date, entered TJ's Japanese Steakhouse and purchased an alcoholic beverage from Miranda B. Schuh. Miranda B. Schuh did not ask for Kramer's identification and sold her the alcoholic beverage.

3. On April 13, 2012, Miranda B. Schuh, was found guilty after entering a no contest plea to the said violation.

4. Pursuant to the City of Appleton Code Sec. 9-54, the aforementioned violation requires the assessment of eighty (80) demerit points.

5. Pursuant to Chapter 125 of the Wisconsin Statutes, and interpretations thereof, the licensee, Xi Lin (aka Cindy Lin), is answerable for the acts of her agents and therefore eighty (80) demerit points shall be attributed to her license pursuant to the aforementioned "Incident One."

INCIDENT TWO

6. On July 21, 2012, Nathan L. Bovee, an employee on duty at TJ's Japanese Steakhouse, was issued a citation for sale of a fermented beverage to an underage person.

7. On July 21, 2012, Community Service Officer Alyssa A. Blankenship, who was 19 years of age on this date, entered TJ's Japanese Steakhouse and purchased an alcoholic beverage from Nathan L. Bovee. Nathan L. Bovee did not ask for CSO Blankenship's identification and sold her the alcoholic beverage.

8. On September 19, 2012, Nathan L. Bovee was found guilty by a default judgment because he failed to appear in court on said violation.

9. Pursuant to Chapter 125 of the Wisconsin Statutes, and interpretations thereof, the licensee, Xi Lin (aka Cindy Lin), is answerable for the acts of her agents and therefore eighty (80) demerit points shall be attributed to her license pursuant to the aforementioned "Incident Two."

INCIDENT THREE

6. On November 30, 2012, Nathan L. Bovee, an employee on duty at TJ's Japanese Steakhouse, was issued a citation for sale of a fermented beverage to an underage person.

7. On November 30, 2012, Community Service Officer Brecken VanderVelden, who was 20 years of age on this date, entered TJ's Japanese Steakhouse and purchased an alcoholic beverage from Nathan L. Bovee. Nathan L. Bovee did not ask for CSO VanderVelden's identification and sold him the alcoholic beverage.

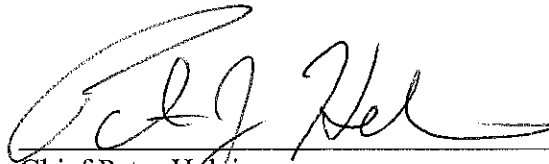
8. On November 14, 2013, Nathan L. Bovee was found guilty of said violation at a court trial heard before Outagamie County Circuit Court Judge Mitchell Metropulos.

9. Pursuant to Chapter 125 of the Wisconsin Statutes, and interpretations thereof, the licensee, Xi Lin (aka Cindy Lin), is answerable for the acts of her agents and therefore eighty (80) demerit points shall be attributed to her license pursuant to the aforementioned "Incident Three."

RECOMMENDATION

The above information indicates that on three separate occasions, state and/or local laws were violated by the licensee Xi Lin (aka Cindy Lin), or by her agents/employees working at the licensed premises. In accordance with the Appleton Municipal Code Sec. 9-54, the license holder has accumulated two hundred forty (240) demerit points within an eighteen month period. The Code further requires that when demerit points totaling 200 or more are accumulated, the license shall be revoked. Upon an assessment of the demerit points, and considering the serious nature of these violations, the Appleton Police Department is requesting that the license issued to Xi Lin (aka Cindy Lin), be revoked by the Safety and Licensing Committee.

Dated this 26 day of November, 2013.



Chief Peter Hélein
Appleton Police Department

OUTAGAMIE COUNTY, WISCONSIN

Subscribed and sworn to before me
this 26th day of November, 2013.



Notary Public, State of Wisconsin

My commission expires on 2-14-16.