APPLETON POLICE DEPARTMENT
COMPASSION * INTEGRITY * COURAGE

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TO: Safety and Licensing Committee

Common Council

FROM: Lt. Ben Goodin

DATE: 07/22/2026

RE: Police Department's Recommendation for Denial of Delane Henley's Bartender License Application

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Delane Henley's application for a Bartender license.

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

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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

Because Mr. Henley was convicted of Battery [Modifiers: Habitual Criminality], a class A misdemeanor, in Outagamie County case # 2007CF000696 and because this conviction is an "exempt offense" under Wis. Stat. §111.335(1m)(b), there is no requirement for the licensing agency to state the substantial relationship between the circumstances of the offense and the licensed activity in writing, or to allow the individual an opportunity to show rehabilitation and fitness to engage in the licensed activity. Based upon these records alone, Mr. Henley does not meet the statutory eligibility criteria to be granted an operator/bartender license.

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As part of any denial of licensing, the police department must determine if crimes are substantially related to selling alcoholic beverages. Aside from the exempt offense listed above, Mr. Henley was also convicted of:

OWI (3rd) in Outagamie County case # 2023CT000516. This is a criminal, misdemeanor offense.

OWI (2nd) in Winnebago County case # 2012CT000701. This is a criminal, misdemeanor offense.

OWI (1st) in Menasha and Neenah City Municipal Court (file # R902065). This is a civil forfeiture.

Manufacture/Deliver Cocaine (<=1g) in Outagamie County case # 2006CF001112. This is a criminal, felony offense.

Impaired driving is a serious offense and a major problem not only in Wisconsin but across the entire country. Mr. Henley 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.

Based upon the above record and reasoning disqualifying Mr. Henley from license eligibility, it is recommended that his application be denied.

Very Respectfully:
Lt. Ben Goodin
Appleton Police Department