

CITY OF APPLETON
SAFETY AND LICENSING COMMITTEE

IN RE: THE NON-RENEWAL HEARING FOR
KYLE D. WILLENKAMP

Non-renewal hearing taken before me at
Appleton City Hall, Appleton, Outagamie County,
Wisconsin, on the 15th day of August, 2013, A.D.

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APPEARANCES

MR. KOLE OSWALD, Chairman
MR. MICHAEL SMITH, Vice Chairman
MS. SARAH GARB
MS. STACEY DOUCETTE, Assistant City
Attorney
CHIEF PETE HELEIN
LIEUTENANT STEVE ELLIOTT
SERGEANT CHAD PROBST
MR. KYLE D. WILLENKAMP

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<u>EXHIBIT NUMBER</u>	<u>INDEX TO EXHIBITS</u>	<u>PAGE MARKED</u>
A -	Division of Motor Vehicles record	
B -	Judgment of Conviction	
C -	Judgment of Conviction	

***Original exhibits placed with original
transcript. ***

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1 (Exhibits A, B, and C were marked
2 prior to the hearing.)

3 (The hearing began at 6:17 p.m. on
4 August 15th, 2013.)

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6 MR. OSWALD: Okay. I'll now open the
7 second non-renewal hearing on the special
8 Safety and Licensing Committee agenda. This
9 is action item 13-1135, and it's a
10 non-renewal hearing for the operator's
11 license of Kyle D. Willenkamp, 2923 North
12 Peach Tree Lane. And, Mr. Willenkamp, you
13 heard from the last committee meeting we do
14 have a court reporter present, and you heard
15 who all of us are up here, and who is seated
16 to our right.

17 At this time then, I'd like to give
18 each side an opportunity to give an opening
19 statement. So I would have Lieutenant
20 Elliott open -- or Sergeant Probst open with
21 his opening statement.

22 SGT. PROBST: Thank you. The
23 Appleton Police Department will ask the
24 committee to recommend to the Common Council
25 that it not renew the operator's license

1 issued to Kyle D. Willenkamp. We ask for
2 such a recommendation as Mr. Willenkamp was
3 recently convicted of operating while
4 intoxicated, third offense, and has had
5 prior convictions for the same in 2000 and
6 1996. Thank you.

7 MR. OSWALD: Mr. Willenkamp, do you
8 wish to make an opening statement?

9 MR. WILLENKAMP: No, that's okay.

10 MR. OSWALD: At this time then, I
11 would ask that the police department present
12 its case beginning with Officer Probst being
13 sworn in.

14 - - - - -

15 Said SERGEANT CHAD PROBST, having
16 been first duly sworn by me to testify the
17 truth, the whole truth, and nothing but the
18 truth relative to said cause, testified as
19 follows:

20 SGT. PROBST: I do.

21 MR. OSWALD: And I'm sorry. Could
22 you state your name again and your position
23 with the Appleton Police Department.

24 SGT. PROBST: Sure. I'm Sergeant
25 Chad Probst with the Appleton Police

1 Department. I act as a co-liaison between
2 the police department and the committee.

3 MR. OSWALD: Thank you. You can go
4 ahead.

5 SGT. PROBST: All right. The first
6 item that I'd like to present to you I
7 marked as Exhibit A. It a certified driving
8 record from the Division of Motor Vehicles
9 for the State of Wisconsin. I'd ask that
10 you first look at what's marked as page 2 of
11 4. At the bottom you see a highlighted area
12 in the middle of the page showing a
13 violation date of 06/08/2012, conviction
14 date of 10/23 of 2012 for operating a motor
15 vehicle while intoxicated. That was
16 Mr. Willenkamp's third offense.

17 Next on page 3 of 4 towards the top,
18 again you'll see a highlighted area, showing
19 a violation date of 09/29/1999, and a
20 conviction date of 11/24/2000, again for
21 operating a vehicle while intoxicated, that
22 was second offense. And then finally on the
23 bottom of page 3 of 4, another highlighted
24 area, operating while intoxicated as a third
25 offense, violation date of 12/28/1995, and a

1 conviction of 2/6/1996.

2 Next item I'd like you to look at I
3 have marked as Exhibit B. Exhibit B is a
4 Judgment of Conviction for the second prior
5 offense or the number two offense. You'll
6 see a date of the crime committed was
7 09/29/1999, and a conviction date of
8 February 17th, 2000. I just want to point
9 out that there is a difference in the date
10 on the Judgment of Conviction versus what
11 the Certified Driving Record shows. It's my
12 understanding that that's as a result of an
13 appeal that Mr. Willenkamp filed with the
14 court. So the DOT record is showing a
15 conviction date at the end of the appellate
16 period, and that the Judgment of Conviction
17 is showing the date that he was convicted in
18 Outagamie County Court. Okay.

19 So next we'll move on to Exhibit C
20 and that is the Judgment of Conviction for
21 the most recent OWI offense, and see the
22 date of the crime committed was 06/08/2012,
23 and the date of conviction is 10/22 of 2012.

24 I'd like to talk for just a moment
25 about the incident in question. It was the

1 arrest which occurred on June 28, 2012. On
2 that date our officers were essentially
3 dispatched to the parking lot at St. Joe's
4 Church at the corner of Lawrence and Walnut
5 Street in the City of Appleton at
6 approximately 1:45 a.m. The concerned
7 citizen called the police department after
8 observing a citizen, which was later
9 determined to be Mr. Willenkamp, walking, or
10 in the words of the concerned citizen
11 stumbling, toward a vehicle and had concerns
12 about his physical condition and his ability
13 to drive, based on the fact that the
14 reporting person felt that he was far too
15 intoxicated to do so. Our officers
16 eventually did make contact with
17 Mr. Willenkamp after he drove away, and did
18 a traffic stop on him at East Glendale
19 Avenue and Meade Street in the City of
20 Appleton. Our officers did determine
21 Mr. Willenkamp was intoxicated and
22 administered standard field sobriety tests,
23 which he performed poorly and ultimately did
24 make arrest and processed him just as any
25 other, and the blood result ultimately

1 returned at .316. The legal limit again is
2 .08.

3 The final point of evidence I want to
4 discuss is the application that
5 Mr. Willenkamp completed filing for renewal.
6 He did list the most recent conviction for
7 OWI late last year, but did not list any of
8 the other convictions. That's all I have.

9 MR. OSWALD: Thank you.
10 Mr. Willenkamp, is there any questions that
11 you have for the Appleton police at this
12 time?

13 MR. WILLENKAMP: No, sir, I do not.

14 MR. OSWALD: Thank you. Then I'd
15 open it up to this committee to ask any
16 questions to Sergeant Probst. I would ask,
17 are you aware of whether or not Mr.
18 Willenkamp is on active parole or probation?

19 SGT. PROBST: He is not.

20 MR. OSWALD: And does he have his
21 driver's license, do you know?

22 SGT. PROBST: He's revoked right now
23 for the OWI offenses.

24 MR. OSWALD: Okay. Alderperson
25 Smith.

1 MR. SMITH: Hopefully this is not too
2 far afield, but he was observed at St. Joe's
3 -- middle school or church?

4 SGT. PROBST: St. Joe's Church.

5 MR. SMITH: And he got stopped at
6 Meade and East Glendale.

7 SGT. PROBST: Correct.

8 MR. OSWALD: Is there anything on the
9 report that indicates that kind of a
10 distance before he was stopped? I mean,
11 this seems like a long way to drive to
12 specifically look for him and get that far.

13 SGT. PROBST: The report did indicate
14 that the officers were eventually able to
15 catch up in that time and make the traffic
16 stop when they were able to get in contact
17 with, at that time, the suspect vehicle, and
18 the reporting person was following and was
19 continually on telephone contact with our
20 dispatchers.

21 MR. SMITH: Okay. Thank you for the
22 clarification.

23 MR. OSWALD: Last question I'd have
24 is: Sergeant Probst, are you aware of how
25 long Mr. Willenkamp has possessed an

1 Appleton operator's license?

2 SGT. PROBST: He's had a license
3 continually since 2006.

4 MR. OSWALD: Thank you.

5 Mr. Willenkamp, you've seen the exhibits
6 that Sergeant Probst presented to us. Do
7 you have any objection to those exhibits?

8 MR. WILLENKAMP: No, I do not, sir.

9 MR. OSWALD: Okay. At this time
10 then, Mr. Willenkamp, this is your
11 opportunity to present your case.

12 MR. WILLENKAMP: First of all, thank
13 you for your time.

14 (Brief discussion off the record.)

15 MR. WILLENKAMP: Okay. Again, thank
16 you for your time. I don't deny the
17 evidence just stated there. Just a little
18 bit of a background. I'm an Appleton
19 resident, married, with a son, been employed
20 with the Volcrow Incorporated (phonetic
21 spelling), which is The Bar on the Avenue,
22 since approximately April of 2002. We
23 opened in July of 2002. I actually became a
24 co-owner of the business in June of 2007.
25 As they stated, I've had a bartender's

1 license for that entire time.

2 I don't deny anything with what
3 happened with my DUI. It wasn't on a night
4 that I was working. I guess my reason for
5 being here is I do not drink while working.
6 I have not since I became an owner in 2007.
7 And part of my big responsibility is I
8 basically close every Friday and Saturday
9 evening, which is our busy times.

10 I'm kind of the direct person that
11 would deal with the Appleton Police
12 Department with any troublesome customers,
13 things of that nature. Often I am the final
14 call on cutting someone off. So my
15 responsibility level when I'm at work as far
16 as dealing with alcohol and patrons with
17 alcohol -- I think it is excellent, which is
18 why my partners trusted me to become their
19 partner and to oversee that aspect of the
20 business during our busy times.

21 Certainly what I did showed lack of
22 judgement, extremely dangerous, and I could
23 have hurt someone or myself what I did that
24 night. And since then, you know, I did
25 serve some jail time, five days in lockup

1 and some time on a GPS. I've been sober
2 since July 31st of 2012, part of that time
3 would be before I ever was convicted, some
4 of that may be knowledge -- I'm currently in
5 the SSTOP program, which is somewhat similar
6 to probation, where I have to meet with
7 someone for -- once a month, and I have some
8 community service I'm completing and things
9 of that nature.

10 So, you know, I'd like to think I'm a
11 good member of the community, and have been
12 for quite some time. I did make a mistake
13 that night. I don't think what I did, you
14 know, is going to restrict me on continuing
15 to do what I do for my business and, you
16 know, working, I think, well with the
17 Appleton Police Department in, you know,
18 detering over-intoxication, underage,
19 problem patrons, things of that nature.
20 Thank you.

21 MR. OSWALD: Does the police
22 department have any questions for
23 Mr. Willenkamp?

24 SGT. PROBST: I only have two.
25 Mr. Willenkamp, did you receive a copy of

1 the criminal complaint?

2 MR. WILLENKAMP: Yes, I did.

3 SGT. PROBST: Do you feel the facts
4 contained within it are accurate?

5 MR. WILLENKAMP: Yes, I did.

6 MR. OSWALD: Thank you. And I'd open
7 it up to this committee for questions to
8 Mr. Willenkamp. Alderman Smith.

9 MR. SMITH: Thank you.

10 Mr. Willenkamp, I just want to make sure --
11 and correct me. You said you have not drank
12 at the bar since you became partner, and
13 that was when?

14 MR. WILLENKAMP: June of 2007.

15 MR. SMITH: Okay.

16 MR. WILLENKAMP: I'm sorry. To
17 clarify, did I drink there during my off
18 times, yes. As far as when I'm actually
19 there in a working capacity, I did not.

20 MR. SMITH: All right. And my
21 question is then -- the second question is
22 -- you were observed at St. Joe's, which is
23 right next door to the bar. Were you coming
24 from the bar that evening that you got
25 picked up in 2012?

1 MR. WILLENKAMP: No, I was not coming
2 from that bar. I was coming from an
3 different establishment down the street.

4 MR. SMITH: Okay. Thank you.

5 MR. OSWALD: Could you describe a
6 little more the SSTOP program and what that
7 entails? Are you subject to urinalysis?

8 MR. WILLENKAMP: Yes, I am.

9 MR. OSWALD: And is it a social
10 worker, is it a nurse, who's overseeing your
11 compliance with that?

12 MR. WILLENKAMP: It's -- I think it's
13 called volunteer offenders' services, I
14 think is the name of it. It's right -- the
15 old Chamber of Commerce building.

16 MR. OSWALD: Yes.

17 MR. WILLENKAMP: Yes. And Jennifer
18 Deterts (phonetic spelling) would be my
19 supervisor.

20 MR. OSWALD: And can you explain what
21 -- did you -- was that court mandated? Was
22 it part of your sentencing?

23 MR. WILLENKAMP: It is essentially
24 for second and third DUI convictions.
25 Instead of having to sit and do my full

1 sentence of 130 days, I had to do five
2 essentially in lockup and then 40 on the
3 Global Positioning Bracelet. Which 45 days,
4 I believe, is the minimum time for a third
5 conviction. So it essentially gives you
6 less jail time, but you're under that
7 supervision, you know, absolute sobriety for
8 a year.

9 MR. OSWALD: Okay. Alderperson Garb.

10 MS. GARB: I have a couple questions.
11 Am I right, you said you've been sober since
12 July 31st of 2012?

13 MR. WILLENKAMP: That's correct.
14 Yes.

15 MS. GARB: So over a year?

16 MR. WILLENKAMP: Mm-hmm.

17 MS. GARB: A blood alcohol content of
18 .316, quite frankly, is extremely concerning.
19 I'm wondering if you can talk about -- did
20 you think you were drunk? Did you decide
21 you --

22 MR. WILLENKAMP: Yes, I knew I was
23 drunk.

24 MS. GARB: Okay.

25 MR. WILLENKAMP: I'm certainly not

1 using this as an excuse --

2 MS. GARB: No.

3 MR. WILLENKAMP: -- but that level of
4 intoxication -- and, you know, I was a
5 frequent drinker, you know, before this --
6 was very, very high even for myself being a
7 frequent drinker. I had been out that night
8 and was celebrating by first hole-in-one in
9 golf, and a lot of people were buying me
10 shots, and I really basically lost control.

11 MS. GARB: Okay. Thank you. I'm
12 also -- you have -- that's not your only one
13 obviously.

14 MR. WILLENKAMP: Correct.

15 MS. GARB: You they're over quite a
16 wide time span. Can you -- were you kind of
17 a habitual drinker, or can you kind of
18 explain -- you know, you talked about this
19 night as a mistake, but I'm wondering, you
20 know, we have two other nights to kind of
21 look at.

22 MR. WILLENKAMP: Sure. My first
23 conviction I was only 17 years old. I was
24 21 on my second, and I certainly did go
25 through a period where I think my drinking

1 was kind of a problem in my probably early
2 to mid 20s. I think it was kind of really
3 wanting to go forward in my business,
4 settling down with somebody, eventually
5 getting married, and my son, where -- you
6 know, I feel that my drinking was under
7 control.

8 You know, I wasn't habitually
9 drinking and driving, but that night, again
10 -- you know, I wish I could explain what
11 went through my mind, but I don't even know
12 what -- knowing the condition in the back of
13 my head of what I was in to get behind the
14 wheel was a terrible, terrible mistake.

15 MS. GARB: Thank you.

16 MR. OSWALD: Alderman Smith.

17 MR. SMITH: Thank you. I just want
18 to go back. You're still under the SSTOP
19 program?

20 MR. WILLENKAMP: Correct. I'm not
21 positive the date, but it might be October.
22 It might coincide with my conviction date.

23 MR. SMITH: And part of that --
24 maintain complete sobriety, correct?

25 MR. WILLENKAMP: Correct.

1 MR. SMITH: I think as one of our
2 fine police officers from Winnebago recited
3 the SSTOP program, so I'm just trying to
4 recall all of the things on there. But --
5 so it's hard -- so for this committee to
6 determine if this is a change in life or
7 complying with the program you're under, is
8 the level we have to deal with.

9 MR. WILLENKAMP: Mm-hmm.

10 MR. SMITH: All right. Thank you.

11 MS. GARB: Can you respond to that?

12 MR. SMITH: I thought I gave him an
13 opportunity.

14 MR. OSWALD: Do you wish to respond
15 to that?

16 MR. WILLENKAMP: Can you repeat that
17 for me then, sir?

18 MR. SMITH: Well, I'm just saying,
19 you're under the program with SSTOP, so you
20 need to maintain complete sobriety while
21 you're still under that program. So my
22 question was, if the program was not in play
23 at this point in time, would you be
24 celebrating your next hole-in-one?

25 MR. WILLENKAMP: Okay. Sorry, I

1 didn't understand that at first. The
2 reality is I spoke with my wife quite a few
3 times of, you know, I'm not going to drink
4 again. Honestly, I really haven't had any
5 troubles in my life other than drinking and
6 driving. And right now at this point, I
7 don't think that I am going to drink again.
8 I'm not going to sit here and say that with
9 100 percent certainty that I never will.
10 The realty I look at is that if I were to
11 get in trouble with alcohol again, it would
12 probably literally unravel my life. You
13 know, I don't know how my partners would
14 feel about something like that happening
15 again. I certainly can't imagine, you know,
16 my wife -- putting her through that. You
17 know, I missed holidays, I missed her
18 graduation from college, because of the most
19 recent thing. And so for me, looking at it
20 from the point of just drinking and driving,
21 if I were to ever drink again, it absolutely
22 doesn't matter if one drop, there's never
23 ever behind the wheel for the rest of my
24 life.

25 MR. SMITH: I'd like to respond to

1 that.

2 MR. OSWALD: Alderperson Smith.

3 MR. SMITH: I have one more question
4 as a follow up: You're part owner of the
5 bar, so you have a management and a role
6 model that you have to put out there for
7 your employees and your guests. So a pretty
8 bad opportunity you showed them a year ago.
9 What have you been doing since?

10 MR. WILLENKAMP: There was a lot of
11 humiliation there. There was comments made,
12 you know, aren't you the one always yelling
13 at me not to do this, and then you did it.

14 So since that time, you know, I've
15 taken steps even further of, you know,
16 whether it be employees that got done early
17 and went out for a while, or if it's
18 customers -- just be extra vigilant and
19 point to myself, you don't want to go
20 through this, you don't want to deal with
21 what I dealt with, you know, it's not fun,
22 it affects every aspect of your life. And
23 just really kind of being a role model of, I
24 went through it, don't be like me, you know,
25 do the right thing.

1 Well, I can't right now, but I used
2 to be the one, hey, I'll give you a ride,
3 don't drive. And then during some time off,
4 on a night off, I go do it. So there was
5 definitely humiliation.

6 MR. SMITH: Okay. Thank you.

7 MR. OSWALD: If there's nothing
8 further from the committee, you have no
9 exhibits or evidence to submit to the
10 committee?

11 MR. WILLENKAMP: No, I do not.

12 MR. OSWALD: Then I would ask if the
13 Appleton police have anything in response to
14 what Mr. Willenkamp stated.

15 SGT. PROBST: I don't.

16 MR. OSWALD: Okay.

17 (Brief discussion off the record.)

18 MR. OSWALD: Alderman Garb.

19 MS. GARB: Are you licensed anywhere
20 else?

21 MR. WILLENKAMP: No, I'm not. Just
22 Appleton.

23 MR. OSWALD: Okay. If there's
24 nothing further from this committee in the
25 form of questions, I'd ask the Appleton

1 Police to present their closing statements.

2 SGT. PROBST: Thank you. We expect
3 our licensed bartenders to adhere to all
4 state laws and local ordinances.

5 Mr. Willenkamp has not. Our city bartenders
6 are also expected to exhibit a high level of
7 responsibility and awareness to the effects
8 of alcohol intoxication. They are
9 personally responsible for maintaining and
10 contributing to the safety of our community.
11 The common public safety risk through
12 repeated drunk driving is unacceptable,
13 especially for one who holds a City of
14 Appleton bartender's license.

15 Mr. Willenkamp's most recent arrest
16 demonstrates poor judgement and
17 irresponsibility that put the
18 community-at-large and at risk and did so at
19 an extremely high level of intoxication.
20 This is not just a close call, he was not
21 just barely over .08, he was maybe four
22 times the legal limit. This is an egregious
23 violation that demonstrates that
24 Mr. Willenkamp cannot be entrusted with the
25 responsibility that comes with holding an

1 Appleton bartender's license. If
2 Mr. Willenkamp is going to be drinking
3 himself to that level of intoxication and
4 get behind the wheel, we cannot expect him
5 to act responsibly when it comes to serving
6 and over-serving in his place of employment.

7 The bottom line is that
8 Mr. Willenkamp has engaged in illegal and
9 dangerous conduct in the same sphere that he
10 holds a bartender's license. It also
11 demonstrated that he does not possess the
12 qualifications required in Chapter 125 of
13 the Wisconsin statute to hold said license.

14 In light of the seriousness and
15 recency of these violations, the Appleton
16 Police Department is asking this committee
17 to not renew Mr. Willenkamp's operator's
18 license.

19 MR. OSWALD: Thank you, Sergeant
20 Probst. And, Mr. Willenkamp, it's an
21 opportunity for a closing statement.

22 MR. WILLENKAMP: I guess just to
23 reiterate what I said earlier. You know,
24 I've been doing this since 2002, and in the
25 role I'm in -- it isn't going to change the

1 role I'm in. As you stated before, I
2 require all my bartenders to have a license,
3 you know, there would always be somebody
4 there that has one, but the principal of it
5 is the owner not having one because of what
6 I did, and me telling them that they have to
7 have one. But I feel that my responsibility
8 at work has been shown through the past 12
9 years or 11 years that we've been open at
10 The Bar. That, you know, I haven't had any
11 problems related to when I'm in charge of my
12 business, which is particularly what would
13 pertain to a bartender's license. And I
14 thank you for your time.

15 MR. OSWALD: Thank you. And at this
16 time I would -- we have one question from
17 Alderperson Garb.

18 MS. GARB: How I do -- how would you
19 -- what relevance, if any, would you give to
20 his year's sobriety?

21 SGT. PROBST: I'm sorry?

22 MS. GARB: You talked about his
23 offenses, which we understand, but I'm
24 wondering if you think that the year of
25 sobriety has any bearing on our evaluation?

1 SGT. PROBST: I look at the
2 violations.

3 MS. GARB: Okay.

4 SGT. PROBST: I can't personally put
5 my opinion into my determination of what's
6 valid. I look at the violations that are
7 faced in front of me and, you know, the
8 three OWIs that he was -- that he committed
9 and was convicted of.

10 MS. GARB: All right. Thank you.

11 MR. OSWALD: Okay. Thank you. At
12 this time I'd entertain a motion for the
13 Special Safety and Licensing Committee to go
14 into closed session pursuant to state
15 statute 19.85 sub 1 sub A, to discuss the
16 non-renewal of Kyle Willenkamp's operator's
17 license, and then reconvene into open
18 session.

19 MR. SMITH: So moved.

20 MS. GARB: Second.

21 MR. OSWALD: Motion by Alderperson
22 Smith and a second by Alderperson Garb. All
23 those in favor state by saying aye. Aye.

24 MR. SMITH: Aye.

25 MS. GARB: Aye.

1 MR. OSWALD: We are in closed
2 session.

3 (Committee in closed session.)

4 MR. OSWALD: At this time I'd
5 entertain a motion to rise and report.

6 MS. GARB: Move to rise and report.

7 MR. SMITH: Second.

8 MR. OSWALD: Motion by Alderperson
9 Garb and a second by Alderperson Smith to
10 rise and report and reconvene into open
11 session. All those in favor state by saying
12 aye. Aye.

13 MR. SMITH: Aye.

14 MS. GARB: Aye.

15 MR. OSWALD: Meeting is re-adjourned
16 -- reconvened. And at this time the Safety
17 and Licensing Committee for the City of
18 Appleton does hereby make the following
19 findings of fact, conclusions of law, and
20 recommendations to the Common Council in the
21 matter of Appleton Police Department versus
22 Kyle D. Willenkamp.

23 Finding of fact number one: The
24 respondent, Kyle D. Willenkamp, was
25 convicted on October 23rd of 2012 of

1 operating while intoxicated, third offense,
2 for an incident which occurred in the City
3 of Appleton on June 8th, 2012.

4 Two: The respondent, Kyle D.
5 Willenkamp previously had been convicted of
6 operating while intoxicated, second offense,
7 on November 24th, 2000, in Outagamie County,
8 and operating while intoxicated, first
9 offense, on February 6th, 1996, in the
10 Village of Kimberly.

11 And I'd entertain a motion on the
12 findings of fact as stated.

13 MR. SMITH: So moved.

14 MS. GARB: Motion to approve.

15 MR. OSWALD: Motion to approve by
16 Alderperson Smith, and a second by
17 Alderperson Garb. All those in favor state
18 by saying aye. Aye.

19 MR. SMITH: Aye.

20 MS. GARB: Aye.

21 MR. OSWALD: Those finding of fact
22 are recommended three to zero as an approval
23 to the Common Council.

24 Next, we have the conclusions of law.
25 First, the conviction for operating while

1 intoxicated, third offense, is substantially
2 related to the subject matter of the
3 license. Second, the pattern of convictions
4 are substantially related to the
5 respondent's ability to responsibly hold an
6 operator's license issued pursuant to
7 Appleton ordinance 9-75 sub A sub 8, and
8 Wisconsin statute 125.17. Third, as a
9 result of these convictions, the respondent
10 does not possess the requisite
11 qualifications to hold an operator's license
12 pursuant to the requirements of Wisconsin
13 State statute 125.12, sub 2 sub AG sub 4,
14 and Wisconsin statute 125.04 sub 5 sub A sub
15 1 and B.

16 And I'd entertain a motion on those
17 conclusions of law as stated.

18 MR. SMITH: Move to approve.

19 MS. GARB: Second.

20 MR. OSWALD: Motion by Alderperson
21 Smith and a second by Alderperson Garb to
22 approve those conclusions of law as stated.
23 All those in favor state by saying aye.
24 Aye.

25 MR. SMITH: Aye.

1 MS. GARB: Aye.

2 MR. OSWALD: Vote is three to zero to
3 recommend that the Common Council approve
4 those conclusions of law.

5 And with those conclusions of fact --
6 or findings of fact and conclusions of law
7 voted on, I would now entertain a motion to
8 approve or deny the application for renewal
9 of Mr. Willenkamp's operator's license.

10 MR. SMITH: Move to deny.

11 MS. GARB: Second.

12 MS. OSWALD: The motion to deny from
13 Alderperson Smith and a second from
14 Alderperson Garb to deny this license. Is
15 there anyone on the committee that wishes to
16 speak? Alderperson Smith.

17 MR. SMITH: Kyle, we appreciate
18 everything you had to say and the changes
19 you were making, wanting to do more with
20 your wife and your child, and appreciate the
21 fact that you think enough of Appleton that
22 you would want part ownership of an
23 establishment down here. I truly hope that
24 once you finish your program and put some
25 time behind this, that you will be able to

1 regain your license, and you're welcome to
2 do that at the appropriate time.

3 MR. WILLENKAMP: Thank you, sir.

4 MR. OSWALD: Anything from...

5 MS. GARB: No, thank you.

6 MR. OSWALD: There is a motion on the
7 table to deny the application for renewal of
8 Mr. Willenkamp's operator's license. All
9 those in favor of denial state by saying
10 aye. Aye.

11 MR. SMITH: Aye.

12 Ms. GARB: Aye.

13 MR. OSWALD: All opposed. The vote
14 is three to zero, and that is a
15 recommendation from this committee to the
16 full Common Council, which will be meeting
17 next week in the these same chambers at
18 7 p.m. And if you would like to come and
19 speak, please arrive by 6:45 to sign in and
20 the full Common Council then will take
21 action on your license.

22 MR. WILLENKAMP: Thank you.

23 MR. OSWALD: Thank you.

24 MS. GARB: Thank you.

25 (Hearing adjourned at 7:00 p.m.)

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STATE OF WISCONSIN)
) ss.
COUNTY OF OUTAGAMIE)

I, Nicole M. Bissonnette, Court Reporter
and Notary Public in and for the State of
Wisconsin, do hereby certify that the
attached and foregoing hearing was taken
before me at Appleton City Hall, Appleton,
Outagamie County, Wisconsin, on the 15th day
of August, 2013 A.D., at 6:17 p.m.; that
said SERGEANT CHAD PROBST was sworn by me to
tell the truth, the whole truth, and nothing
but the truth relative to said cause.

Dated this 20th day of August, 2013.

HENES & ASSOCIATES
COURT REPORTING SERVICE

Nicole M. Bissonnette

My commission expires September 11, 2016.

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