



MINUTES OF AN OFFICIAL MEETING

Regular Meeting of: Legislative & Licensing Committee

Date and Time: Tuesday, June 1, 2021 at 6:45 pm

Location: Council Chambers, City Hall, 2000 N. Calhoun Road, Brookfield WI 53005

5 Members Present: Alderman Gary Mahkorn (Chair), Alderman Brad Blumer, Alderman Bill Carnell, Alderman Jenna Meza, Alderman Mark Nelson

Members Excused: N/A

Others Present: City Attorney Jenna Merten, City Clerk Kelly Michaels, Various licensing applicants as listed below

1) ROLL CALL

Alderman Mahkorn noted a quorum present and called the Legislative & Licensing Committee to order at 6:50 p.m.

2) ANNOUNCEMENTS

The Next Regularly Scheduled meeting will be held on Tuesday, June 15, 2021.

3) MINUTES

Motion by Alderman Meza, seconded by Alderman Carnell to approve the minutes of the May 18, 2021 Legislative & Licensing Committee meeting. Motion carried 5-0.

4) NEW BUSINESS

a. Resolution regarding an applicant for a Renewal Class B Beer/Liquor License with a violation.

UNCLE JULIO'S OF FLORIDA, INC.; D/B/A: UNCLE JULIO'S
245 S. MOORLAND ROAD; AGENT: PATTY L. WEICHAL

Patty Weichal, Agent, appeared before the committee and introductions were made. Alderman Mahkorn summarized the violation Uncle Julio's received and asked Ms. Weichal to explain the circumstances surrounding the violation. Ms. Weichal stated the General Manager and former Agent, Eric Folmer, was overseeing a restaurant in Colorado due to COVID at the time of the violation. She explained that staff had been moved around a lot during that time so there was a bit of confusion. She noted they did not have a licensed bartender and had to close down for the night. She reported they sent 14 to 16 members to City Hall to apply for bartender licenses the next day and they continue to have employees apply for licenses as they are hired. Alderman Mahkorn questioned what safe guards Uncle Julio's have put in to place since the violation. Ms. Weichal replied that any employee who is bartending must be certified, trained and get a bartender's license. Alderman Nelson asked how long Eric Folmer had been away from Uncle Julio's. Ms. Weichal said, as of today, it has been about 3

months, which is why she noted she is now the current agent. She acknowledged they were without an agent for approximately one month.

Motion by Alderman Carnell, seconded by Alderman Blumer to approve a Renewal Class B Beer/Liquor License for Uncle Julio's, 245 S. Moorland Road. Motion carried 5-0.

b. Resolution regarding an applicant for a Renewal Class B Beer/Liquor License with a violation.

CREPELOVE LLC.; D/B/A: VINO CAPPUCCINO
2848 N. BROOKFIELD ROAD; AGENT: ANDREAS PROTOPAPAS

Andreas Protopapas appeared before the committee. Alderman Mahkorn stated that Mr. Protopapas was before the committee about one year ago for the same exact issue. He asked Mr. Protopapas to explain what is happening. Mr. Protopapas replied nothing is going on. He added there would be a motion to dismiss on June 23, 2021. Alderman Mahkorn expressed concern that Mr. Protopapas appeared before the committee last year for the same violation and now seems to be showing a pattern, which is not good. Mr. Protopapas again stated nothing happened. Alderman Mahkorn stated that if on June 23, 2021 the charge gets dismissed, then we will know it has been dismissed, but we do not know whether it will or not at this time.

Alderman Carnell questioned who called the police regarding this incident. Mr. Protopapas said someone else called the police. Alderman Carnell asked why someone had to call the police. Mr. Protopapas said he cannot speak about the case, as it is open, but noted he has never had an issue with the restaurant.

Alderman Mahkorn noted that, in regards to the law, when there is a certain pattern of behavior, it could be admissible as evidence. He felt this was difficult in that the city wants its licensed establishments and agents to be reputable and follow all the rules of the law. Mr. Protopapas said his business has been good for the community.

Alderman Blumer questioned the violation in 2015. Alderman Mahkorn said he did not place a lot of weight on the 2015 violation. Alderman Carnell felt the committee should be able to apply the same questioning that is applied to everyone, whether it is a bartender with an OWI violation or a business with another type of violation. Since, Mr. Protopapas has a hearing date on June 23, 2021; he felt the committee should hold off on a motion until after the June hearing so the determinations in that case are finalized.

Attorney Merten noted that the committee could ask Mr. Protopapas questions, however, he may not want to answer because it could be used against him in a criminal court. She reminded the committee that they do not have to consider those though. The committee can view his refusal to give answers as a reason to issue a summons and complaint in a process to revoke his license.

Alderman Nelson assumed this incident happened at Vino Cappuccino. Mr. Protopapas said 'no, it did not. Alderman Nelson asked if the other violations happened at Vino Cappuccino. Mr. Protopapas said 'no'. Alderman Nelson noted that he was inclined to grant a license as the violation does not have anything to do with business operations. He noted that the committee has to use their discretion regarding violations that are personal in nature or dealing with traffic violations. Will this conduct or lack of judgement seep into the operation of the business? They may have to suspend or revoke a license due to these types of violations but he indicated he was open to giving Mr. Protopapas the benefit of the doubt.

Alderman Carnell respectfully disagreed with the idea that the violation is different because it did not happen at the bar. He explained that they routinely have applicants appearing before the committee including tonight's meeting whereby they have traffic violations or OWI violations that also did not happen at the bar or restaurant where they work. In fact, the committee considers where the applicant can properly serve alcohol or be an agent

based on their behavior in all of those circumstances. These are serious charges for Mr. Protopapas and not the first time. Alderman Carnell suggested the item be postponed until after his hearing date.

Motion by Alderman Carnell, seconded by Alderman Blumer to postpone a Renewal Class B Beer/Liquor License for Vino Cappuccino at 2848 N. Brookfield Road until after the June 23, 2021 hearing and placed back on the Committee agenda for the July 20, 2021 agenda. Motion carried 5-0.

c. Resolution regarding an applicant for an Original Bartender/Operator License with violations – *Joseph A. Porter.*

Joseph Porter appeared before the committee and introductions were made. Alderman Mahkorn explained the reason Mr. Porter had been asked to appear before the committee. He asked if Mr. Porter if there was anything else on the February 18, 2015 incident, other than Possession of THC. Mr. Porter replied that on the advice of his attorney, he could not discuss the specifics of the case. Alderman Mahkorn noted that he was already found guilty, therefore, in a sense, he has already waived that right. Alderman Mahkorn noted he and Attorney Merten have been state prosecutors and the job of the committee is to discuss the violations of applicants. He further explained that in drawing from his expertise as a state prosecutor for 30 and years, no one get the type of disposition that Mr. Porter received on a first time THC offense. He noted that the violation was over five years ago. Mr. Porter replied that he completed his probation at Waukesha County for nine months. His attorney told him that, in the past, the court clerk has forgotten to file the correct paperwork for expungement. His court ordered expungement paperwork should have been filed in 2018, however it appears that did not happen and the record is still there. He noted he successfully completed the sentence imposed with no violation of the rules of probation and his attorney is working on getting the paperwork accomplished. Alderman Mahkorn stated his is prepared to approve a license as the violation occurred over five years ago.

Alderman Mahkorn questioned what Mr. Potter's job is at Westmoor Country Club. Mr. Porter stated he started as a server but now is going to be a bartender. He added that he has worked in the 'country club life' for the past 8 years, noting he has worked at Western Racquet Club for two years and Westmoor Country Club for the past year. He has also been a manager at Chick-Fil-A and a recent graduate of UWM. He noted he is a wrestling coach at the Pewaukee High School.

Alderman Mahkorn asked him to explain the policy at Westmoor in regards to over serving. Mr. Porter replied that it can be tricky as the members are the owners of the country club. However, he acknowledged that it is his responsibility to not over serve. He stated he has taken a responsible beverage server course and know the signs of someone who has had too much to drink.

Alderman Carnell agreed that he would support a license as the incident happened quite a while ago. He also noted that he was still confused by the idea that his attorney advised against him speaking about a violation that he was found guilty and had already served his sentence for. It did not make sense to him as to why he could not talk about the case. Mr. Potter clarified that there are still certain aspects of the case that he cannot talk about.

Motion by Alderman Nelson, seconded by Alderman Meza to approve an Original Bartender/Operator License for Joseph A. Porter. Motion carried 5-0.

d. Resolution regarding an applicant for an Original Bartender/Operator License with violations – *Jonathan A. Weiss.*

Jonathan Weiss appeared before the committee. Alderman Mahkorn summarized Mr. Weiss's violation history and asked Mr. Weiss to explain his record. Mr. Weiss stated he had some 'demons' that had clouded his judgement and admittedly was not acting responsibly at the time, but has since turned his life around. Alderman Mahkorn expressed concerned with the number of violations.

Alderman Carnell asked if Mr. Weiss had a current driver's license. Mr. Weiss replied 'yes, he has a valid license. Alderman Mahkorn noted Mr. Weiss had answered 'no' to question # 5 on the application, having any violations. Mr. Weiss said he did not try to hide anything; he had filled out similar applications for other municipalities and missed it. Alderman Nelson asked if Mr. Weiss misread the question. Mr. Weiss responded that he was in a hurry and did not pay attention to correctly filling out the application. Alderman Nelson expressed reservation, as Mr. Weiss's record shows continuous misconduct and it appears it just disregarded things. Alderman Nelson felt that Mr. Weiss might have had many other violations but his record showed only the times he was caught. He stated the committee has to judge how a person will act (responsibility) when serving alcohol. Mr. Weiss replied that his customers are his main concern. He also shared that he has two small children and thinks of them being on the road with his fiancée and he would never want them to be involved in an accident. He noted he thinks about that when he is serving his customers. He assured the committee that he takes serving very seriously. Alderman Nelson noted Mr. Weiss did not taking driving and the rules of the road or those laws seriously.

Alderman Nelson questioned Mr. Weiss's demons. Mr. Weiss replied that he has since gone through a treatment program. He took time away from the industry and believes his judgement is clear as a responsible server. He introduced his father who is the agent for Badger Burger, Mark Weiss, as a character witness. Attorney Merten noted that Mr. Weiss's driver's license is currently suspended. Mr. Weiss indicated he was unaware that his driver's license was suspended.

Mark Weiss noted he has multiple restaurants in the area and acknowledged his son has many problems. He stated he would not invite him into the business if he had not seen change. Alderman Mahkorn stated it was nice to see parents that are supportive of their children; however, he felt he could not support a license tonight due to the multitude of violations and a suspended driver's license.

Alderman Carnell felt that when Mr. Weiss answered 'yes' he had a license; he was being disingenuous and therefore will not be in support of a license tonight. He indicated he would like to see him work on getting his driver's license in order and then a bartender's license after some time without violations. Mark Weiss noted he took his son out of a good job to work at his restaurants and they have learned a lot working together. He noted he has seen his son straightened up his life following the birth of his own children. Mark Weiss assured members that his son is responsible and noted he would not put his restaurant license in jeopardy if he were not sure.

Alderman Nelson questioned when Mr. Weiss would get his driver's license back. Alderman Mahkorn said it depends, as situations vary. Mark Weiss asked how his son could work at the business. Alderman Mahkorn said he can work but he must be under the direct supervision of a licensed bartender. Alderman Nelson asked how long it would take the committee to feel 'ok' in approving a bartender license for Mr. Weiss. Alderman Mahkorn suggested more time distance from the violations is best; but there is no specific answer. Attorney Merten noted Mr. Weiss can reinstate his driving privilege by paying a fee and he needs to obtain SR22 insurance, which is quite expensive. She added, per the municipal code, if he is denied a license today, he could reapply after one year has passed.

Alderman Blumer indicated he would have supported a license noting most of his violations can be condensed into an 18-month period; however, he was concerned that Mr. Weiss is in a precarious position with a currently suspended license. If he were pulled over again, he would be right back in front of the committee for a renewal license, which then has property rights to it. He felt more time must pass before the committee should review the request for a license in this case.

Alderman Carnell stated he would be willing to postpone the request for four months. Then the committee will want to know what has changed in Mr. Weiss's life that would qualify him for license. Alderman Meza appreciated a father and son working together; however, if or when a license is approved, that license can be used anywhere in the city. She also noted her support for postponement.

Motion by Alderman Nelson, seconded by Alderman Carnell to postpone the request for an Original Bartender/Operator License for Jonathan A. Weiss to the November 16, 2021 Legislative & Licensing Committee. Motion carried 5-0.

e. Resolution regarding an applicant for a Renewal Bartender/Operator License with violations – *Sharice A. Nelson.*

Sharice Nelson appeared before the committee. Alderman Mahkorn summarized Ms. Nelson’s violations. He added that to her credit, most of the violations were from mid-2018 to early 2019. He asked Ms. Nelson to explain the violations. Ms. Nelson replied that she was making the wrong decisions and in going to and from work, she risked being caught. Alderman Mahkorn noted her license has since been reinstated. He added that Ms. Nelson heard the committee discuss ‘operating while suspended’ violations with previous applicants tonight and noted that if a license was approved tonight; she could take that license and work anywhere in the city.

Alderman Carnell stated the difference with this applicant is that it is a renewal license. She currently has a license with the city and he noted his support of a license to Ms. Nelson. Alderman Meza compliment Ms. Nelson on not being pulled over (not operating after suspended) after her driver’s license was suspended on April 18, 2019. She is favor of a license.

Motion by Alderman Blumer, seconded by Alderman Nelson to approve a Renewal Bartender/Operator License for Sharice A. Nelson. Motion carried 5-0.

f. Resolution regarding an applicant for a Renewal Bartender/Operator License with violations – *Gregory K. Schultheis.*

Gregory Schultheis did not appear before the committee. Clerk Michaels reported that the applicant had called her office and asked questions about appearing before the committee. He shared with staff that he may or may not appear at the meeting therefore, she suggested the application be postponed to the next meeting.

Motion by Alderman Carnell, seconded by Alderman Blumer to postpone a Renewal Bartender/Operator License for Gregory K. Schultheis to the June 15, 2021 Legislative & Licensing Committee meeting. Motion carried 5-0.

Items 4g and 4h were taken together.

g. Resolution regarding an applicant for an Original Class B Beer and Class C Wine License.

H. S. PRODUCTS LLC; D/B/A: HAD’S INDIAN CUISINE
2345 N. 124TH STREET; AGENT: HARDEEP SINGH

h. Resolution regarding applicants for Renewal Alcohol Licenses.

CLASS A BEER & LIQUOR

Bar Stars Bartending Service LLC;D/b/a: Bar Stars Bartending Service
200 S. Executive Drive, #101; Agent: Janine Y. Rajchel

Danielle’s Deli LLC; D/b/a: Danielle’s Deli
15655 W. North Avenue; Agent: Danielle N. Glavin

Target Corporation; D/b/a: Target Store T-2780
12725 W. Bluemound Road; Agent: Kelsey L. Karnopp

Wisconsin Fine Wines & Spirits, LLC; D/b/a: Total Wine Spirits Beer & More

17300 W. Bluemound Road, Suite 200; Agent: Scott G. Busche

Trader Joe's East, Inc.; D/b/a: Trader Joe's #726
12665 W. Bluemound Road; Agent: Jeffrey J. Clark

Sukh Corporation; D/b/a: Westbrook Beverage Center
13430 W. Greenfield Avenue; Agent: Surhpreet Kaur

Cost Plus, Inc.; D/b/a: World Market
625 Main Street; Agent: Cynthia Sayles-Albers

CLASS C WINE

The Jar, Inc; D/b/a: The Jar
200 N. Moorland Road; Agent: Tami G. Swanto

CLASS B BEER

North Central Management Inc.; D/b/a: Brookfield Conference Center
325 S. Moorland Road; Agent: Carl J. Allen

CLASS B BEER & C WINE

H.S. Products LLC; D/b/a: Had's Indian Cuisine
2345 N. 124th Street; Agent: Hardeep Singh

CLASS B BEER & LIQUOR

Brookfield Bar Inc.; D/b/a: Bar Louie
95 N. Moorland Road, E7; Agent: Jacob L. Schermetzler

Bailey, Belva, Louise; D/b/a: Belle's Castle Inn
13170 W. Greenfield Avenue; Agent: Belva L. Bailey

Bougey's Bar & Grill, LLC; D/b/a: Bougey's Bar & Grill
16760 W. Greenfield Avenue; Agent: Gareth E. Trinko

Boulder Junction Inc.; D/b/a: Boulder Junction Restaurant
12550 W. Burleigh Road; Agent: Josephine Militello

Bravo Brio Restaurants, LLC; D/b/a: Bravo!
95 N. Moorland Road, A147, #D68; Agent: Kate M. Parkhurst

Aimbridge Concessions, Inc.; D/b/a: Doubletree Milwaukee Brookfield
18155 Bluemound Road; Agent: Brittany Alvarez-Avila

Elite Brookfield LLC; D/b/a: Elite Brookfield
13825 W. Burleigh Road; Agent: Anthony E. Bieri

North Central Management Inc.; D/b/a: Hilton Garden Inn Brookfield
265 S. Moorland Road; Agent: Carl J. Allen

Marty's Brookfield Inc.; D/b/a: Marty's Pizza
16680 W. Bluemound Road; Agent: Edward H. Bautz

North Star West, Inc.; D/b/a: North Star American Bistro
19115 W. Capitol Drive, Suite 100; Agent: Michael T. Stoner

Restaurant of Brookfield, Inc.; D/b/a: Parkside 23
2300 Pilgrim Square Road; Agent: George N. Flees

Red Robin International, Inc.; D/b/a: Red Robin Gourmet Burgers and Brews
95 N. Moorland Road, Unit C; Agent: Alissa A. Jackson

WB Hotel, LLC; D/b/a: Residence Inn by Marriott
765 S. Pinehurst Court; Agent: Mark A. Ostendorf

Sabella's Pub, Inc.; D/b/a: Sabella's Pub & Grill
2850 N. Brookfield Road; Agent: Silvio Sabella

Sharon Lynne Wilson Center for the Arts, Inc; D/b/a: Sharon Lynne Wilson Center for the Arts
3270 Mitchell Park Drive; Agent: Vincent P. Vogelsang

Sonesta International Hotels Corporation; D/b/a: Sonesta Select Milwaukee Brookfield
16865 W. Bluemound Road; Agent: Angela M. Cleland

New Taste of India II LLC; D/b/a: Taste of India
17115 W. Bluemound Road, D1; Agent: Manjit Singh

Westmoor Country Club; D/b/a: Westmoor Country Club
400 S. Moorland Road; Agent: Daniel J. Morn

RESERVE CLASS B BEER & LIQUOR

Mitchell's Entertainment, Inc.; D/b/a: Mitchell's Fish Market
275 N. Moorland Road; Agent: Tyler H. Peyton

Hanbai, Inc.; D/b/a: Wasabi Sushi Lounge
95 N. Moorland Road, D66; Agent: Jay Y. Han

PEDD CLASS B BEER & LIQUOR

Marcus Cinemas of Wisconsin, LLC; D/b/a: Movie Tavern
175 S. Moorland Road; Agent: Ryan C. Helland

Motion by Alderman Carnell, seconded by Alderman Blumer to approve an Original Class B Beer and Class C Wine License to Had's Indian Cuisine at 2345 N. 124th Street and Renewal Alcohol Licenses to the above applicants, respectively. Motion carried 5-0.

Items 4i through 4k were taken together.

i. Resolution regarding applicants for Original Bartender/Operator Licenses.

DAVIDSON, NICOLA A.
SCHULTZ, ANDREW G.
VRANEK, JESSIE K.

j. Resolution regarding applicants for Renewal Bartender/Operator Licenses.

CANNON, CHRISTINE P.
GOGIN, ROBERT W.

k. Resolution regarding an applicant for a Fireworks User Permit.

BROOKFIELD CENTRAL HIGH SCHOOL - GRADUATION
16900 W. GEBHARDT ROAD
FRIDAY, JUNE 11, 2021 – DUSK
PYROTECHNICIANS: SPIELBAUER FIREWORKS CO.
CONTACT: PATRICK SPIELBAUER

Motion by Alderman Nelson, seconded by Alderman Carnell to approve Original Bartender/Operator Licenses, Renewal Bartender/Operator Licenses and a Fireworks User Permit to the above applicants, respectively. Motion carried 5-0.

I. Consideration of a Public Comment Policy.

Alderman Nelson shared that he was confident with Mayor Ponto's discretion of whether or not the fifteen-minute period for public comment should be extended at any given meeting. The bottom line is that the fifteen-minute period has been in place for many years and there has been no problems. He noted he would like it to continue as is.

Alderman Blumer agreed and stated he does not see anyone closing down the public comment period after fifteen minutes when more people wish to speak. We do not want to go down that avenue and he did not see it as being practical.

Alderman Mahkorn agreed that Mayor Ponto does a great job. He also noted there has never been any abuse or effort to silence anyone. There is a stigma when you have a room full of people who want to speak. Who is going to vote to shut down the public comment period? Not every community has an open comment period where they get to hear the opinions of the community. He indicated he looks forward to public comment periods for that reason. Alderman Mahkorn stressed that in recent months, some of the public comments sessions have been "well-orchestrated" and he would like to see the public comment session capped at one hour. He noted that due to coordinated efforts our meetings could quite possibly be hijacked by free speech. We need time to do the city's business and if more time is needed for the topics introduced during public comments, then we could schedule a public hearing.

Motion by Alderman Blumer to have the public comment period capped at one-hour maximum with Mayor Ponto having the authority to extend the time. Motion died for lack of a second. Committee members indicated they had no desire to taken any action on this matter and suggested it be taken to a Committee of the Whole.

5. ADJOURNMENT

Motion by Alderman Nelson, second by Alderman Meza to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:15 p.m.

RESPECTFULLY SUBMITTED:
KELLY MICHAELS, MMC, WCPC
BROOKFIELD CITY CLERK