

CITY OF WHITEWATER ALCOHOL LICENSING COMMITTEE MEETING
Tuesday, January 21, 2020 – 6:10 p.m.
City of Whitewater Municipal Building Community Room
312 W. Whitewater St., Whitewater, Wisconsin
(2019-20 Alcohol Licensing Committee Members: Palmer, Schulgit, and McCormick)

- I. CALL TO ORDER
- II. ROLL CALL
- III. HEARING OF :

**Morgan McPhearson Appeal of the denial of her beverage operator's license.

- IV. RECOMMENDATION(S) OF ALCOHOL LICENSING COMMITTEE.
- V. ADJOURNMENT

Please contact the City Clerk's Office (473-0102) at least 72 hours prior to the Hearing if Special Arrangements are needed.

MEMORANDUM

TO: City Clerk Michele Smith
FROM: Aaron Raap, Chief of Police
SUBJECT: Disapproval of Beverage Operator's License Application for **Morgan E. McPhearson**
DATE: December 30, 2019

On 12/12/2019, Morgan Elizabeth McPhearson, 10556 N. County Line Road #2, Whitewater, applied for a beverage operator's license to work, without supervision, at Casey's Westside, 1353 West Main Street, Whitewater. At that time the usual background investigation was conducted.

Effective December 30, 2019, the following information is being supplied on an official basis concerning the beverage operator's license application of Morgan Elizabeth McPhearson. Pertinent records of the local and state agencies have been searched as of this date with the following results: (Only that information which would bear upon this application is recorded. Traffic violations are excluded.)

JEFFERSON COUNTY SHERIFF'S OFFICE

02/21/19 Possession of THC

Morgan Elizabeth McPhearson stated on her application that she has not been charged with or convicted of any crime, traffic violation, or violations of municipal ordinance.

An operator at an alcohol establishment has an obligation to reasonably deal with various rules and regulations regarding alcohol. This arrest show that Morgan Elizabeth McPhearson has displayed an inability to abide by these laws. We therefore do not believe that she has the appropriate ability to handle the responsibility that the license requires.

Qualifications for license in accordance with Wisconsin State Statute 125.04(5)(a) as affected by Chapter 79 and 391, Laws of '81 effective 1/1/82 which states in part: "Natural persons. Licenses and permits related to alcohol beverages, issued to natural persons under this chapter, may be issued only to persons who: 1. Do not have an arrest or conviction record, subject to s. 111.321, 111.322, and 111.335: . ." Statute 111.335---Arrest or conviction record: Exceptions and special cases---reads in part: "(c) Notwithstanding s. 111.322 it is not employment discrimination because of conviction record to refuse to employ or license, or to bar or terminate from employment or licensing any individual who: 1. Has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity; ..."

Based on the above information, I recommend that this applicant be denied her beverage operator's license application. This offense she has been arrested for DOES substantially relate to the circumstances of the particular job or licensed activity as required under Chapter 125.

AR/cas

CITY OF WHITEWATER APPLICATION FOR BEVERAGE OPERATOR'S LICENSE

NOTICE: All of the above request for information must be answered. Application may be denied upon discovery of untrue or omitted information.

FULL NAME MCPhearson Morgan Elizabeth
Last First Full Middle Former Name (s)
CURRENT ADDRESS 10556 N. county line rd#2 whitewater WI 53190
Street City, State Zip
PERMANENT ADDRESS, IF NOT YOUR CURRENT ADDRESS:

Street City State Zip

DRIVERS LICENSE INFO (STATE AND DL NUMBER): Wisconsin M216-5459-0929-05

TELEPHONE NUMBER 262-496-1487

DATE OF BIRTH 11/29/90 PLACE OF BIRTH Anderson, IN
Height 5'3" Weight 185 Hair Color red Eye Color green Sex F Race Cauc
City & State

LIST ALL ADDRESSES YOU HAVE LIVED AT OVER THE PAST FIVE YEARS:

Dates: 2013 - 2018 Street Address: 319 Shore drive
City Palmyra State WI County Jefferson

Dates: _____ Street Address: _____
City _____ State _____ County _____

Dates: _____ Street Address: _____
City _____ State _____ County _____

Dates: _____ Street Address: _____
City _____ State _____ County _____

Dates: _____ Street Address: _____
City _____ State _____ County _____

Have you completed the Responsible Beverage Server Training Course? Yes _____ No
If yes, Where did you complete it? servsafe online Date _____
Do you currently have a Beverage Operator License in another Municipality? _____ Yes No
If yes, what municipality issued the License? _____
City of Whitewater Employing Establishment Casey's Westside

HAVE YOU EVER BEEN CHARGED WITH OR CONVICTED OF ANY CRIME, TRAFFIC VIOLATION, OR VIOLATION OF A MUNICIPAL ORDINANCE (excluding parking tickets)? No Yes

If Yes, please provide the following :

Date of Arrest: _____ Offense: _____
Arresting Agency: _____

Date of Arrest: _____ Offense: _____
Arresting Agency: _____

Date of Arrest: _____ Offense: _____
Arresting Agency: _____

Date of Arrest: _____ Offense: _____
Arresting Agency: _____

Date of Arrest: _____ Offense: _____
Arresting Agency: _____

NOTICE: All of the above requests for information must be answered. Application may be denied upon discovery of untrue or omitted information.

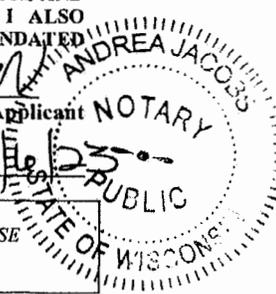
I CERTIFY THAT I HAVE ATTAINED THE AGE OF 18; AND I SPECIFICALLY STATE THAT I HAVE LISTED ABOVE INFORMATION ON ANY CHARGES OR CONVICTIONS RELATING TO ANY FELONY, MISDEMEANOR, MUNICIPAL CITATION, OR ANY OTHER OFFENSE; AND THAT I AM FAMILIAR WITH THE LAWS, ORDINANCES AND ALL PROVISIONS OF SAID LAWS, AND THAT ALL INFORMATION STATED ON THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

FURTHER, I HEREBY AUTHORIZE A CRIMINAL HISTORY CHECK AND HEREBY CONSENT FOR THE CITY OF WHITEWATER TO CONDUCT A CRIMINAL HISTORY BACKGROUND CHECK THAT MAY INCLUDE PHOTOGRAPH(S) AND FINGERPRINTS. I HEREBY ALSO RELEASE THE CITY OF WHITEWATER, AS WELL AS ANY OTHER MUNICIPAL, STATE OR FEDERAL LAW ENFORCEMENT AGENCIES, BOTH INDIVIDUALLY AND COLLECTIVELY, FROM ANY AND ALL LIABILITY FOR DAMAGES OF WHATEVER KIND WHICH MAY BE INCURRED BY ME, MY HEIRS, SUCCESSORS AND ASSIGNS DUE TO COMPLIANCE WITH SAID AUTHORIZATION AND RELEASE OF INFORMATION. I ALSO ACKNOWLEDGE THAT \$7 OF THE FEE PAID IS TO COVER THE COST TO THE STATE FOR THE MANDATED BACKGROUND INVESTIGATION.

Subscribed and Sworn to before me this 12th day of December, 2019
Andrea Jacob Signature of Applicant
NOTARY PUBLIC
Wauwatosa Co., WI Comm. Exp. Date 8/16/25

TO BE COMPLETED BY CITY CLERK'S OFFICE:
Date Fee Received 12/13/19 Amount 20.00 Receipt No. 16.014805
Application Received by Andrea Jacob Checked for completeness by: [Signature] Date To PD 12/13/19
1 YEAR LICENSE
2 YEAR LICENSE

TO BE COMPLETED BY POLICE DEPARTMENT:
After having investigated the above named applicant, I make the following recommendation for granting said license under the conditions as sworn to above by the applicant.
Approve Application for License
X Disapprove Application for License
[Signature] POLICE CHIEF
Date: 12/30/2019



01/02/20

To whom it may concern,

I recently found out my application for my liquor license was denied. I was told it was denied due to "possession of THC". I was shocked to hear of the denial because there was never any arrests made, I have a completely clean arrest record. It is necessary for my job to get my liquor license. I ~~have~~^{am} disabled, and have to bring my service dog to work with me. They have accommodated this for me by scheduling me and my dog to work the liquor store where it's quieter and my service dog has the space he needs to work behind the liquor store counter. I am humbly asking for you to re-consider your decision, as there was never any arrest made and there is no arrest record.

Thanks
Morgan Mr Pearson