Meeting:	Village Board
Meeting Date:	5/9/11
Agenda Item:	9a

Mission Statement
Delivering quality services in a courteous, cost-effective and efficient manner.

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: Burt R. McIntyre, President and Village Board of Trustees

REPORT FROM: Chris Haltom, Exec. Dir. of Administrative Services

AGENDA ITEM: Review and Take Action on Liquor License Application for AM Investment d/b/a Anduzzi's Sports Club

POLICY ISSUE

Does the Village Board desire to issue a liquor license to AM Investment d/b/a Anduzzi's Sports Club?

BACKGROUND INFORMATION

One of the Village's Class B Combination Beer/Liquor Licenses has been held by the Village for Anduzzi's over the past three license years. Each year the Village Board approves the license to be issued upon certain conditions, namely the construction of a new facility. This license has been held by the Village and has technically not been issued to Anduzzi's since they have not yet constructed their facility. Because the license has never been issued, the application is technically an initial license. (Please note the application is on a renewal form as staff sends everyone on the liquor license list a renewal form.)

As reported in agenda item 7e-7i, the Village has full discretion on approval or denial of initial licenses. State statutes require the reason for any denials be placed into the minutes.

Staff has discussed this application with Anthony Szymanski, agent for AM Investments. Staff asked him to be present at the May 9th Board meeting for any questions. Mr. Szymanski has informed staff that he has received a letter from Bay Bank stating they have preapproved Howard Holdings, LLC to construct the Anduzzi's bar on Lineville Road. The letter is included as **Attachment 1**. Howard Holdings, LLC is the company that will own the building and rent it to Anduzzi's.

PRIOR ACTION/REVIEW

The Village Board has approved issuing a liquor license to Anduzzi's contingent to their completion of a facility for locating the bar. No license has been issued yet as the building has not been constructed.

FISCAL IMPACT:

1. Is There A Fiscal Impact? Yes
2. Is it Currently Budgeted? Yes
3. If Budgeted, Which Line? Liquor License Revenue

RECOMMENDED ACTION

Village staff recommends the Village Board approve the liquor license for AM Investments d/b/a Anduzzi's Sports Club contingent upon construction of a building. The Board could add a date for beginning construction (or completing construction) to their approval.

POLICY ALTERNATIVE(S)

The Village Board could take the following actions:

- Not approve the application and document the reason for denial.
- Table the application and request additional information.

ATTACHED INFORMATION

I. Bay Bank letter
II. Application

COPIES FORWARDED TO: N/A

Attachment 1

BayBank

2555 Packerland Drive • Green Bay, WI 54313 • Phone: (920) 490-7600 • Fax: (920) 490-0930

April 26, 2011

Village of Howard
Attn: Dave Weise
2456 Glendale Avenue
Green Bay WI 54313

RE: Anduzzi's Sports Club – Howard

Dear Mr. Weise:

Bay Bank has preapproved Howard Holdings, LLC to construct an Anduzzi's Sports Club on Lineville Road in Howard subject to all terms and conditions being met.

If you have any questions, you may contact me at 920-490-7600. Thank you.

Sincerely,

Christopher J. Coppens
Ass't. Vice President

CJC/el

Attachment 2

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. **Read instructions on reverse side.**

For the license period beginning: July 1, 2011 (MM DD YYYY) ending: June 30, 2012 (MM DD YYYY)

TO THE GOVERNING BODY of the: ☐ Town of ☑ Village of ☐ City of Howard

County of Brown Aldermanic Dist. No. ____ (if required by ordinance)

CHECK ONE ☐ Individual ☐ Partnership ☐ Limited Liability Company ☐ Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number: [redacted]	
Federal Employer Identification Number (FEIN): [redacted]	
LICENSE REQUESTED ▶	
TYPE	**FEE**
☐ Class A beer	$ 500.00
☒ Class B beer	$ 100.00
☐ Wholesale beer	$
☐ Class C wine	$ 100.00
☐ Class A liquor	$ 500.00
☒ Class B liquor	$ 500.00
☐ Reserve Class B liquor	$
Publication fee	$ 5.00
TOTAL FEE	$ 1,605.00

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name)	Home Address	Post Office & Zip Code
▶ SZYMANSKI, ANTHONY, JEROME	2295 LOST DAUPHIN RD	DE PERE, WI 54115

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company ▶ A.M. INVESTMENTS

Address of Corporation/Limited Liability Company (if different from licensed premises) ▶

All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	ANTHONY JEROME SZYMANSKI	2295 LOST DAUPHIN RD	DE PERE, WI 54115
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent ▶			
Directors/Managers			

C. 1. Trade Name ▶ ANDIAZZI'S SPORTS CLUB Business Phone Number 920-965-1111

2. Address of Premises ▶ VH-143-8 Post Office & Zip Code ▶

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers? ☒ Yes ☐ No

4. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) BUILDING TO BE BUILT ON PARCEL VH-143-8

5. Legal description (omit if street address is given above): PARCEL VH-143-8

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been **convicted** of **any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? **If yes, complete reverse side** ☐ Yes ☒ No

b. Are **charges** for **any offenses** presently **pending** (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? **If yes, explain fully on reverse side** ☐ Yes ☒ No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? **If yes, explain.** ☐ Yes ☒ No

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. ☒ Yes ☐ No

9. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown under Section A or B above? [phone (608) 266-2776] ☒ Yes ☐ No

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME

this 7th day of April, 2011

Danielle Bandelow
(Clerk/Notary Public)

My commission expires 12-4-12

Anthony P. Szymanski
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council/board	Date license granted
RECD APR 14 2011		
License number issued	**Date license issued**	**Signature of Clerk / Deputy Clerk**

AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

INDIVIDUAL'S FULL NAME (Please Print) (Last Name)	(First Name)	(Middle Name)	SOCIAL SECURITY NUMBER
SZYMANSKI	ANTHONY	JEROME	
HOME ADDRESS (Street/Route)	POST OFFICE	STATE	ZIP CODE
8295 LOST DAUPHIN RD	DE PERE	WI	54115
HOME PHONE NUMBER	AGE	DATE OF BIRTH	PLACE OF BIRTH
920-[redacted]	[redacted]	[redacted]	GREEN BAY

The *above named individual* provides the following information as a person who is (**check one**):

☐ Applying for an alcohol beverage license as an **individual**.

☐ A member of a **partnership** which is making application for an alcohol beverage license.

☒ MEMBER (Officer/Director/Member/Manager/Agent) of A.M. INVESTMENTS LLC (NAME OF CORPORATION, LIMITED LIABILITY COMPANY OR NONPROFIT ORGANIZATION) which is making application for an alcohol beverage license.

The *above named individual* provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 43 YRS
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws,any Wisconsin laws, any laws of any other states or ordinances of any municipality? . Yes ☒ No ☐
   (If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending.) (If more room is needed, continue on reverse side of this form.)
   1999 CRIMINAL DAMAGE TO PROPERTY - EDGE RD.
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any municipality? .... Yes ☐ No ☒
   (If yes, describe status of charges pending.) _____
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ..... Yes ☒ No ☐
   (If yes, identify.) ANDRZEJS OF APPLETON (NAME, LOCATION AND TYPE OF LICENSE/PERMIT)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer license, brewery permit or wholesale liquor permit in the State of Wisconsin? ..... Yes ☐ No ☒
   (If yes, identify.) _____ (NAME OF WHOLESALE LICENSEE OR PERMITTEE) _____ (ADDRESS BY CITY AND COUNTY)
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
ANDRZEJS SPIRITS PLUS	1990 HUMBOLDT WAY, GREEN BAY, WI	1999 -	CURRENT
SHIKO STORE INC	700 HUMBOLDT WAY, GREEN BAY, WI	1990 -	2009

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 7 day of APRIL 20 11

Janice Bingold
(CLERK/NOTARY PUBLIC)

My commission expires 12-9-12

Anthony J. Szymanski
(SIGNATURE OF NAMED INDIVIDUAL)

Printed on Recycled Paper
Wisconsin Department of Revenue

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town/Village/City of HOWARD County of BROWN.

The undersigned duly authorized officer(s)/members/managers of A.M. INVESTMENTS LLC
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as
ANDRZEJ'S SPORTS CLUB
(trade name)

located at 1992 HOMEGROWN WAY GREEN BAY, WI 54304

appoints ANTHONY JEROME SZYMANSKI
(name of appointed agent)
2295 LOST DAUPHIN RD. DE PERE, WI 54115
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?
☐ Yes ☒ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☒ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 43 yrs

Place of residence last year 2295 LOST DAUPHIN RD, DE PERE, WI 54115

For: A.M. INVESTMENTS LLC
(name of corporation/organization/limited liability company)

By: Anthony J Szymanski
(signature of Officer/Member/Manager)

And:
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, ANTHONY JEROME SZYMANSKI, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Anthony J Szymanski 3/29/11
(signature of agent) (date)

Agent's age 43

2295 LOST DAUPHIN RD DE PERE, WI 54115
(home address of agent)

Date of birth [redacted]

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)