



CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org

January 29, 2025

TO: Members of the Finance Committee
FROM: Eric Nycz, City Attorney
Re: Class B Tavern License – Brittiann LLC

Introduction

Brittiann LLC has applied for a Class B Tavern License. Neither the applicant nor the location of 905 Washington Street satisfies the City's rational concerns that granting the application would endanger the public health, safety, and welfare of the City. Therefore, City staff strongly recommends **denial** of the application.

Investigation

a. The Applicant

Brittiann LLC's agent is Brittiann Perkins. Perkins signed off on the application.

Perkins has been convicted of one crime (possession of THC). Perkins worked as the bar manager at Déjà Vu while it was selling cocaine out of the cash registers, failing to comply with Manitowoc Ordinances regarding tavern safety practices, and when it was determined to be a public nuisance, Déjà Vu's Class B license was not renewed following a hearing before the Common Council last year.

Pursuant to MMC 11.010(2)a, Fire Rescue Chief Todd Blaser contacted Perkins in an attempt to set a date to inspect the premises for fire suppression safety. His call was returned by Mr. Joey Golden Jr. who stated he would meet Chief Blaser at the premises.

On January 6, 2025, Golden Jr. met Chief Blaser at the premises for an inspection. This is typically done by the agent of the applicant when the applicant is an LLC. As stated, Perkins is the agent. In any event, Golden Jr. hosted the fire inspection which did not pass the inspection (fire suppression system). Golden Jr. met with Chief Blaser (again) and Inspector Supervisor Bill Nichols on January 28, 2025 to reinspect the premises. It did not pass inspection (fire suppression system).

Golden Jr. owns Jgoldenjr LLC, d/b/a Golden Plated, where he cooks and sells food out of a food truck. Golden Jr. applied and was accepted to have space at the Manitowoc Farmer's Market in 2024, and subsequently appeared twice at the market. On the application for the market, attached, he listed Perkins as his emergency contact.

Golden Jr. could not possibly pass the police background check that is required for a tavern license. He

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currently has more than a dozen pending felony charges, including drug charges. He has been found guilty of manufacture/delivery of heroin with an intent to distribute, where charges of possession of cocaine, THC, and narcotics were dismissed but read in as part of a plea deal. In short, it would not behoove him to have his name on an application for a full tavern license, like the one applied for by Brittiann LLC.

b. The Area

905 Washington Street once was home to Warren's Restaurant. It sits across from a children's theater company. It is also across the street from the former Exotica's/Golddigger's, which was an adult entertainment establishment that had its Class B tavern license voluntarily surrendered in June 2023, after patrons left the establishment and publicly urinated on nearby buildings, among a litany of other violations.

There are also eight other taverns within a two-block radius of 905 Washington Street, and a total of eight schools, churches and public buildings within that same two block radius. Please see the attached map for further details.

c. Parking

905 Washington Street does not have a public parking lot. There is one public parking stall in front of the property on Washington Street. There are (possibly) three spaces available behind the building, but those are likely earmarked for employees.

Legal Authority

Municipal bodies have broad discretion regarding whether to issue a license to a particular applicant for a particular location. State law **does not** confer upon a **qualified** applicant a right to a license. *State ex rel. Smith v. City of Oak Creek*, 139 Wis. 2d 788 (1987).

To make it crystal clear: you do not have a right to obtain a license even if you are qualified to hold one.

Valid reasons for denial of a retail license are based on concern for the public health, safety, and welfare of the community. Reasons for denial include: (1) adverse impact on traffic; (2) adverse impact on the peace, quiet and cleanliness of the neighborhood where the establishment is located; (3) insufficient parking for patrons; (4) proximity to other licensed establishments, residential areas, schools, churches, or hospitals; (5) ability or inability of the police to provide law enforcement services to the new establishment and the impact of the new establishment on the ability of the police to provide law enforcement services to the balance of the community at all times. (*Municipal Licensing and Regulation of Alcohol Beverages*, A League of Wisconsin Municipalities Manual, at 34).

Further, Wis. Stat. 125.04(6)(a)1 states "the agent must, with respect to character, record and reputation, be satisfactory to the issuing authority." Wis. Stat. 125.68(3) prohibits any liquor license issued for premises within 300 feet of a church, school or hospital (though the governing body may waive this prohibition).



Analysis

a. The Applicant Fails Review

Both the State of Wisconsin and the City of Manitowoc recognize that owning and operating an establishment that serves alcoholic beverages is a privilege and not a right. Several of the State's clearly defined disqualifying qualities for applicants include a failure of responsibility with alcohol and other drugs, lack of cooperation with law enforcement, and, generally, a disregard for the law.

Brittiann LLC's agent, Perkins, has both a questionable history with tavern management and drug use. This alone is enough to disqualify the applicant. But an additional concern is that Perkins is acting as the agent for Golden Jr., which is incredibly concerning. Municipalities routinely deny alcohol beverage licenses when they suspect an applicant is using legal framework, such as an LLC, in an attempt to maneuver around a background check. I spoke with West Allis City Attorney Kail Decker who informed me West Allis had done just that several weeks ago. The municipality does not have to prove anything. Rational suspicion is all that is required. Far more than rational suspicion is presented here. Golden Jr.'s involvement in this enterprise makes it clear that the application must be denied to protect the public health, safety, and welfare of the City.

b. The Premises Fails Review

The history of taverns on this block is extremely negative. Its proximity to schools, churches and public buildings makes increasing the density of taverns in this area a threat to the public health, safety, and welfare of the City. Furthermore, there is no private parking available for the premises and a tavern at this location would almost certainly lead to customers parking in the private lot located to the east, which could cause issues for the businesses that own/lease that lot. Any one of these factors clearly makes the premises unsuitable for a tavern as it would detriment the public health, safety, and welfare of the City.

Conclusion

This is clearly an opportunity for the Common Council to fix a problem before it occurs. Neither the applicant nor the premises satisfy the goals of promoting the public health, safety, and welfare of the City. In fact, a tavern at this location or to this applicant would very clearly contradict those goals. As such, **City staff strongly recommends denial of the application.**

Thank you for your consideration.