

VILLAGE OF GRAFTON

SPECIAL VILLAGE BOARD MEETING SUMMARY ALCOHOL BEVERAGE LICENSE REVOCATION OR SUSPENSION HEARING

JANUARY 3, 2012

This is a summary of the persons testifying and the motions associated with the alcohol beverage license revocation or suspension hearing of “Class A” Alcohol Beverage License holder Nick International Trading, Inc., (Bohdana Kucheras, registered agent), d/b/a Grafton Liquor Store, 1310 12th Avenue in the Village of Grafton. A court reporter was present at this meeting. [A full transcript of this hearing is available](#) for review in the Village Clerk’s Office, located at 860 Badger Circle.

President Jim Brunnquell called the Special Village Board license revocation / suspension hearing to order at 7:08 p.m. The Pledge of Allegiance followed.

Board members present: Jim Grant, Richard Rieck, Sue Meinecke, Dave Liss, Lisa Harbeck, and Jim Brunnquell

Absent: Dave Antoine

Staff/Officials present: Village Administrator Darrell Hofland, Village Clerk Teri Dylak, Police Chief Charles Wenten, and Attorney Brad Hoeft-Counsel for the Village Board

Others present: Village Attorney Michael Herbrand, Village Attorney Johnathan Woodward of Houseman & Feind, LLP and Respondent Bohdana Kucheras, pro se

Complaint filed by Charles E. Wenten, Village of Grafton resident and Grafton Chief of Police, against “Class A” Alcohol Beverage License holder Nick International Trading, Inc., (Bohdana Kucheras, registered agent), d/b/a Grafton Liquor Store, 1310 12th Avenue in the Village of Grafton was referenced as reason for hearing. (A copy of the [complaint is attached to this summary](#) for reference). All Board members stated that they had reviewed the complaint and are ready to proceed with the hearing.

Chair Brunnquell asked license holder Ms. Bohdana Kucheras if she was denying all of the allegations of the complaint. Ms. Kucheras stated yes, she denies all of the allegations in the complaint.

Hearing on the complaint against “Class A” Alcohol Beverage License holder Nick International Trading, Inc., (Bohdana Kucheras, registered agent), d/b/a Grafton Liquor Store, 1310 12th Avenue in the Village of Grafton

Testimony was heard on each of the incidents listed in the complaint.

The incidents and who testified are outlined below:

May 12, 2011 Incident:

Village of Grafton Police Officer Noah Eernisse was sworn in. He was questioned by Attorney Johnathan Woodward on the May 12, 2011 incident. This incident centered on an undercover sting of approximately 11 Village of Grafton establishments. It was identified that Ms. Kucheras sold alcoholic beverages to an underage customer and was issued a citation by the Grafton Police Department.

Ms. Kucheras was asked if she had any questions of Officer Eernisse. She responded not at this point.

July 9, 2011 Incident

Village of Grafton Police Officer Patrick Brock was sworn in. He was questioned by Attorney Johnathan Woodward on the July 9, 2011 incident. This incident involves surveillance of Grafton Liquor Store by Officer Brock due to reports from parents that alcohol was being sold to underage persons. It was identified that Ms. Kucheras sold alcoholic beverages to Joseph Henkle, age 17, and was issued a citation by the Grafton Police Department.

Ms. Kucheras stated that she was shown ID by the patrons and that is why she sold the alcohol.

Ms. Kucheras was asked if she had any questions of Officer Brock. She responded not at this point.

Joseph Henkle was sworn in. He was questioned by Attorney Johnathan Woodward on the July 9, 2011 incident. Mr. Henkle identified that he has purchased alcohol at Grafton Liquor Store on at least two occasions prior to July 9. Mr. Henkle stated that he was never asked for ID when purchasing alcoholic beverages.

Ms. Kucheras was asked if she had any questions of Mr. Henkle. She responded No.

July 14, 2011 Incident

Officer Brock was recalled to the stand and was questioned by Attorney Johnathan Woodward on the July 14, 2011 incident. This incident centered on the sale of alcohol to Clinton Schaut, age 19.

Ms. Kucheras was asked if she had any questions of Officer Brock. She responded No.

Clinton Schaut was sworn in. He was questioned by Attorney Johnathan Woodward on the July 9, 2011 incident. Mr. Schaut identified that he purchased alcohol at Grafton Liquor Store on a least two occasions prior to July 14, 2011. Mr. Schaut indicated that he was not asked for identification when purchasing alcohol at Grafton Liquor Store on July 14. Ms. Kucheras was identified as the sales clerk who sold the alcohol to Mr. Schaut.

No citation charges were filed in this matter because Mr. Schaut was not willing to provide a written statement of the events that occurred.

Ms. Kucheras was asked if she had any questions of Mr. Schaut. She responded No.

July 16, 2011 Incident

Officer Brock was recalled to the stand and was questioned by Attorney Johnathan Woodward on the July 16, 2011 incident. This incident centered on two underage individuals, one identified as Brandon Fix, age 19 or 20, who were identified entering Grafton Liquor Store and observed leaving the premises with a case of beer.

Ms. Kucheras was asked if she had any questions of Officer Brock. She responded No.

Brandon Fix was called to testify on the July 16, 2011 incident. It was identified that Mr. Fix was subpoenaed to be present to testify; however, he did not appear at the hearing.

August 13, 2011 Incident

Officer Brock was recalled to the stand and was questioned by Attorney Johnathan Woodward on the August 13, 2011 incident. This incident centered on the sale of alcohol to Robinson Olson, age 20. It was identified that Ms. Kucheras sold alcoholic beverages to the underage customer without verification of his age. Ms. Kucheras was issued a citation by the Grafton Police Department for sale to an underage individual..

Ms. Kucheras was asked if she had any questions of Officer Brock. She responded No.

October 15, 2011 Incident

Village of Grafton Police Sergeant Sean Fuerstenberg was sworn in. He was questioned by Attorney Johnathan Woodward on the October 15, 2011 incident. This incident centers on the possession of alcoholic beverages by Eric Rainero, age 18, which were found during a traffic stop by Wisconsin State Patrol Trooper Goldberg. It was stated that the alcohol was purchased at Grafton Liquor Store in Grafton, WI, on October 8, 2011 and Ms. Kucheras was identified as the clerk who sold the alcoholic beverages. Following additional investigation by the Grafton Police Department, Ms. Kucheras was issued a citation by the Grafton Police Department for sale to an underage individual.

Ms. Kucheras was asked if she had any questions of Officer Fuerstenberg. She responded No.

Eric Rainero was sworn in. He was questioned by Attorney Johnathan Woodward on the October 15, 2011 incident. Mr. Rainero identified that he purchased beer at Grafton Liquor on 3 or 4 times prior to the October 15 incident. He also stated that he was asked for ID but identified to the clerk that he did not have it with him. He was sold alcohol on each occasion.

Ms. Kucheras was asked if she had any questions of Mr. Rainero. She responded No.

December 9, 2011 Incident

Officer Eernisse was recalled to the stand and was questioned by Attorney Johnathan Woodward on the December 9, 2011 incident. This incident involves Cole Parker, age 17 and Tyler Steffen, age 18, purchasing alcohol at Grafton Liquor Store as well as Ms. Kucheras hiding the individuals in the store cooler. In addition a procedure to take the alcohol off-site to give to the individuals was identified.

Ms. Kucheras was asked if she had any questions of Officer Eernisse. She responded Yes, I do.

Ms. Kucheras challenged Officer Eernisse statement on the matter.

Cole Parker was sworn in. He was questioned by Attorney Johnathan Woodward on the December 9, 2011 incident. Mr. Parker identified that he had purchased alcohol from Grafton Liquor Store about 10 times prior to the December 9, incident. He identified Ms. Kucheras as the person who sold him the alcohol on each occasion. Mr. Parker also identified that when he was asked for ID he told Ms. Kucheras that he did not have it with him and she sold him the alcohol. He also stated that they did not have enough money for the purchase of 5-cases of beer and Ms. Kucheras paid for the balance due.

Ms. Kucheras was asked if she had any questions of Mr. Parker. She responded No.

Tyler Steffen was sworn in. He was questioned by Attorney Johnathan Woodward on the December 9, 2011 incident. Mr. Steffen also stated that he had purchased alcohol from Grafton Liquor Store about 10 times prior to the December 9, incident. He identified Ms. Kucheras as the person who sold him the alcohol on each occasion.

Ms. Kucheras was asked if she had any questions of Mr. Steffen. She responded Yes.

Mr. Kucheras asked how much was paid for the alcohol. Mr. Steffen responded \$50 something.

Attorney Woodward asked if they had enough money for the purchase. Mr. Steffen identified no and that Ms. Kucheras herself paid about \$15 worth of the purchase.

Ms. Kucheras was asked if she had any additional questions of Mr. Steffen. She responded No.

Officer Eernisse was recalled to the stand and asked by Attorney Woodward if any enforcement action was taken on this matter. Officer Eernisse stated that municipal citations were issued to Cole Parker and Tyler Steffen and criminal charges forwarded to the district attorney's office against Bohdana Kucheras for lying and providing false information during the investigation and for selling alcohol to underage persons.

Ms. Kucheras was asked if she had any questions of Officer Eernisse. She responded No.

Ms. Kucheras was asked if she had any witnesses to present. She responded she had a witness. She was also informed that she had the right to testify on her own behalf.

Vladimir Tufeld was sworn in. He gave a statement on his relationship with Ms. Kucheras. He indicated he has been a friend of Ms. Kucheras since 2005 and that he often purchased alcohol from her at Grafton Liquor Store and she would bring it to his residence. Mr. Tufeld also stated that he paid Ms. Kucheras \$70 for alcohol on December 9.

Ms. Kucheras was asked if she had any questions of Mr. Tufeld. She responded No.

Attorney Woodward questioned Mr. Tufeld. It was identified that Ms. Kucheras, on several occasions, brought alcohol to Mr. Tufeld at his residence in Shorewood.

Ms. Kucheras stated that she had no other witnesses and that she did not want to take the stand. She stated that she came to the meeting without her Attorney and had no one to explain things to her. She also identified that she did not have enough time and was not ready for this hearing.

Chair Brunnquell asked how long the summons had been in place. Attorney Woodward reviewed the statutory requirements for service of the summons. There is a maximum of 10 days from service of the subpoena and filing of the complaint to hold the hearing. The complaint was filed with the Village Clerk on December 27 and the summons was served to Ms. Kucheras on December 27.

Attorney Woodward presented his closing statement. Based on all of the evidence presented this evening he asked that the Board find that the allegations in the complaint are true and that as a penalty the Village Board revokes the liquor license that was issued to Nick International Trading, Inc. doing business as the Grafton Liquor Store.

President Brunnquell questioned to whom the municipal citations were issued. Attorney Woodward responded all of the citations were issued to Ms. Bohdana Kucheras in her personal capacity.

CONVENE IN CLOSED SESSION

Motion by Trustee Grant, seconded by Trustee Liss, to convene to Closed Session pursuant to sec. 19.85(1)(a) of the Wisconsin Statutes to deliberate concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before the Village Board, at 8:25 p.m.
Approved unanimously by roll call vote.

A closed session of approximately 1 hour and 15 minutes was held. During the closed session the Board reviewed testimony given at the revocation hearing of "Class A"

Alcohol Beverage License of Nick International Trading, Inc., (Bohdana Kucheras, registered agent), d/b/a Grafton Liquor Store, 1310 12th Avenue in the Village of Grafton with legal Counsel.

RECONVENE (OR CONTINUE) IN OPEN SESSION

Motion by Trustee Grant, seconded by Trustee Liss, to Reconvene in Open Session to deliberate and/or take possible action on the complaint related to the suspension or revocation of “Class A” Alcohol Beverage License of Nick International Trading, Inc., (Bohdana Kucheras, registered agent), d/b/a Grafton Liquor Store, 1310 12th Avenue in the Village of Grafton, at 9:40 p.m. Approved unanimously by roll call vote.

President Brunnquell read a statement outlining the Village position on each incident. [\(Copy of statement is attached for reference\)](#).

President Brunnquell asked for a motion “for the public health, safety, and well-being of the community” to immediately revoke the alcohol beverage license issued to Nick International Trading, Inc. doing business as Grafton Liquor Store.

Motion by Trustee Meinecke, seconded by Trustee Grant, to immediately revoke the alcohol beverage license issued to Nick International Trading, Inc. doing business as Grafton Liquor Store. Approved unanimously.

There were no further comments on the matter in hearing. Attorney Woodward identified that he had prepared a revocation order for signature and presented same to Attorney Hoeft for review.

ADJOURN

Motion by Trustee Grant, seconded by Trustee Harbeck, to adjourn the hearing at 9:45 p.m. Approved unanimously.