

**Rules of Procedure for Quasi-Judicial Hearings before the  
Alcohol License Review Committee (ALRC) or an ALRC Subcommittee**

Reviewed and Approved by ALRC on \_\_\_\_\_

1. Amendments to these rules and Suspension of Rules. Amendments to these rules or the suspension of any rule of procedure may be voted on by the ALRC or Subcommittee at any meeting or hearing.
2. The Chair controls the flow of the hearing and order of events. The Chair will inform parties how the hearing will work. A quasi-judicial hearing still follows standard meeting requirements such as Roberts Rules, how motions are made and seconded, and taking minutes.
3. Order of Proceedings
  - a. Introductory matters
    - i. Call to Order - Determine if Hearing was properly noticed
    - ii. Introduction of Committee members
    - iii. Introduction of Parties (City and Licensee) and their Appearances
    - iv. Chair announces nature of Case
    - v. Chair sets rules of procedure/decorum if needed
    - vi. Chair discusses the burden of proof (the City must prove charges in the Complaint to be true by a preponderance of the evidence, per MGO 38.10(l)(b)2.)
      1. "preponderance of the evidence" is "Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not."
    - vii. Formal rules of evidence do not apply. So far as practical, follow rules of evidence in Wis. Stat. 227.45
    - viii. Chair will ask if there are any stipulations or agreements from the Parties.
    - ix. Chair will ask if the Licensee concedes (does not dispute) any of the allegations or counts in the Complaint.
  - b. Opening Statements of each Party (optional, Chair can decide if they are needed) City first, Licensee 2nd.
  - c. Presentation of Evidence
    - i. City's presentation of the case (City goes first because City has the burden of proof)
      1. City calls its witness
      2. Chair or their designee administers oath to witness
      3. City (represented by City Attorney) asks questions of its witness
      4. Licensee (or their Attorney) cross examines the witness
      5. City Attorney can ask re-direct questions based on cross-examination

6. ALRC members may ask questions of witness, as permitted by Chair
  7. Chair will ask if either party has follow-up questions based on the questions asked by ALRC members.
  8. City "moves" any exhibits into Evidence (formality) and exhibits are "received" by the Chair
  9. Repeat steps 1-8 repeat if additional witnesses
  10. City Rests Case (pending any rebuttal)
- ii. Licensee's Presentation of Case
    1. Licensee calls its witness
    2. Chair or their designee administers oath to witness
    3. Licensee asks questions of its witness
    4. City Attorney cross examines the witness
    5. Licensee can ask re-direct questions based on cross-examination
    6. ALRC members may ask questions of witness, as permitted by Chair
    7. Chair will ask if either party has follow-up questions based on the questions asked by ALRC members.
    8. Licensee "moves" any exhibits into Evidence (formality) and exhibits are "received" by the Chair
    9. Repeat steps 1-8 if additional witnesses
    10. Licensee Rests Case
  - iii. Rebuttal by City, if any.
  - iv. Chair must close evidence, and determine which Exhibits have been admitted and made part of the Record of the Case.
- d. Closing Arguments
    - i. If Oral Argument- City goes first, licensee second, City may do rebuttal (City has final word because City has the burden of proof).
      1. If needed, Chair may establish time limits for closing arguments
    - ii. If, instead of oral closing arguments, the Chair requests that the parties submit written briefs, then a briefing scheduling must be established. The hearing is then adjourned and subcommittee will schedule a special meeting for the purpose of deliberation.
      1. This option is only recommended if there are substantial legal questions in the case that need detailed research and explanation. Factual matters or interpretations of how to apply the facts to the law can most likely be handled by oral closing arguments at the time of the hearing.
4. Deliberation and Ruling
    - a. Deliberate regarding the evidence presented and determine whether the City has proven each count in the complaint by a preponderance of the evidence. Then, deliberate on recommended actions if appropriate.

- b. Committee deliberate in closed session after motion if Agenda included the required notice. Chair must make announcement required by Wis. Stat. sec. 19.85(1) and (2) and Committee must take a roll-call vote before convening in closed session. Cannot reconvene in open session unless the agenda included a notice under Wis. Stat. 19.85(2).
  - c. Once decisions are made and have returned to open session:
    - iii. Committee must act by motion and a vote. It is recommended but not required that final votes are taken in open session. A Motion should be made for each count in the complaint as to whether the City proved each count by a preponderance of the evidence.
5. Announce Recommended Action (see 38.10(1)(b)2.d.)
- a. suspend for a minimum of 3 days to a maximum of 90 days
  - b. revoke license
  - c. mandatory revocation for violation of 38.10(1)(a)6, for license issued under Wis. Stats. 125.51(4)(v).
  - d. Please note that ALRC does not have jurisdiction to recommend actions beyond those listed in (a)-(c) above, including but not limited to imposing fines, adding conditions, etc. unless it is part of a stipulation by the parties.
    - a. ALTERNATIVELY, the Committee may allow the parties to make arguments as to the appropriate action on the license, based on the findings. If hearing additional “recommendation arguments”, Committee will need to deliberate again.
      - i. If the parties make arguments about recommended action, City goes first, then Licensee, with City having option for rebuttal
6. Direct City Attorney to draft a Report incorporating Committee’s findings of facts, conclusions of law, and recommendations to the full ALRC and/or Common Council within 20 days of the hearing.