



DAVID L. CORLISS  
CITY MANAGER

# City of Lawrence KANSAS

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DENNIS "BOOG" HIGHBERGER

January 25, 2007

Director Tom Groneman  
Kansas Alcohol Beverage Control  
915 SW Harrison  
Topeka, KS 66612-2073

RE: DRINKING ESTABLISHMENT LICENSE REVOCATION

Dear Director Groneman:

My name is David Corliss and I am the City Manager for the City of Lawrence. I am writing you to obtain information about certain aspects of drinking establishment license revocation. I have previously attempted contact with your staff by telephone but have not yet reached anyone who was able to answer my questions.

The City of Lawrence is currently experiencing some difficulties related to a licensed drinking establishment. Although some criminal activity has occurred inside the bar, including an incident where several shots were fired, the primary purpose of my inquiry is to determine whether your agency takes action based upon an increase in criminal activity by the patrons of the bar off the establishment's premises, mostly in the surrounding parking areas used by the bar. The offenses of primary concern are weapons and drug violations and we are concerned because we believe they are endangering the public and draining our public safety resources.

I will ask other more specific questions, but as a preface please be aware that we are contemplating several other courses of action in an attempt to address the problems mentioned. The purpose of this letter is to determine if your agency is poised and legally able to be a part of that effort.

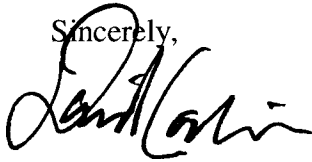
I am aware that K.S.A. 41-2611 sets forth the statutory criteria for the revocation of a drinking establishment license. The basis for revocation most applicable to the situation that I have described might be K.S.A. 41-2611(j). That section provides that you may revoke a drinking establishment license for a violation of K.S.A. 21-4106 or 21-4107. The referenced statutes legalize maintaining or permitting a public nuisance. My questions are:



- Does your agency ever take action administratively based upon this section without a criminal conviction having been first obtained in district court?
- If the answer to the above question is yes, are you willing to base the determination of whether a drinking establishment is a public nuisance on criminal acts that happen off the property of the bar but in close proximity to the bar and that are committed by its customers prior to entering the bar or after leaving it?
- In regards to crimes occurring on the premises, what sorts of offenses are typically considered sufficient for license revocation?
- Are different standards applied on these issues at challenged license renewals as opposed to those applied in determining whether to revoke licenses? If so, what is the difference?
- Can your agency supply us with any other suggestions or assistance to solve the problems outlined above?

Thanks in advance for your attention or the attention of your staff on these issues. My telephone number is (785) 832-3400 should you wish to speak to me or require any clarification. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "David Corliss". The signature is fluid and cursive, with a large initial "D" and "C".

David Corliss  
City Manager

February 2, 2007

David Corliss, City Manager  
City of Lawrence  
P. O. Box 708  
Lawrence, KS 66044-0708

**RECEIVED**

FEB 08 2007

CITY MANAGERS OFFICE  
LAWRENCE, KS

Re: Drinking Establishment license revocation

Dear Mr. Corliss:

I am legal counsel for our Division of Alcoholic Beverage Control and have been asked by our Director, Tom Groneman, to respond to your letter of January 25. Our responses to your questions are as follows:

Whenever our liquor statutes provide for denial of an initial license or denial of renewal or revocation of an existing license based upon violation of any criminal laws of Kansas or the United States, we require that such violation be documented by a conviction in District Court before we will use it. We do not feel that the legislature intended for the ABC Director to interpret and apply the criminal statutes. Also, you should note that subsections (f) and (j) of K.S.A. 41-2611 require that the violation occur on the licensed premises. Therefore, violations for activities of the type you described would not apply.

With regard to what types of criminal convictions would be sufficient for license revocation, that would be a judgment call based upon the type, frequency and severity of the crimes. Each case would have to be examined on its own merits. Our Assistant Attorney General, Sarah Byrne, is responsible for initiating administrative actions to revoke licenses and the Director serves as the hearing officer.

The same standards would be applied to denial of license renewals as for license revocations.

If the City of Lawrence requires that businesses obtain a city business license to operate, then this would be a good vehicle to use in dealing with the problems you have indicated, especially with regard to crimes occurring adjacent to but not inside a licensed premises.

Sincerely,



D. Philip Wilkes  
Staff Attorney