

Paul Maggie

From: Tieszen Craig [Craig.Tieszen@rcgov.org]
Sent: Wednesday, November 29, 2006 2:54 PM
To: Rapid City Mayor Group; Rapid City Council Group
Cc: Paul Maggie; Green Jason; Preston Jim
Subject: Report on City License Applications

This item, brought forward by Councilman Hurlbut, was continued today by the Legal & Finance Committee but I will forward this report to all of you and have it attached to the next L/F agenda.

The question I was asked to research was: The number of applications denied and the number denied based on OTHER THAN criminal convictions. I used the time frame of when I have been Chief---the last 6 ½ years. Here is my response based on the research we were able to do:

I can not give you the total number of licenses that have been issued but, considering annual renewal, it has to be in the low thousands. Of those applications, it appears that I have denied about 65 total. Of those 65, I could find about 5 that were denied based on other than criminal conviction. I identified three different situations:

- (1) First, we had at least a couple cases where a person was charged with several criminal offenses which were ultimately pled or plea bargained to one or more lesser offenses. For example, a case where an applicant went on a tirade and assaulted someone and destroyed their property and ultimately pled guilty to the property offense. I denied the license relying at least partly on the documented, but unconvicted, assault.
- (2) Second, a case where a serious assault occurred but the victim left the area and refused to return to testify. The criminal case was dismissed but I used the assault information as a basis for denial.
- (3) Finally, we had a couple of cases where we had criminal investigations underway based on well-documented evidence and it appeared the applicant would be charged with a serious offense but charges had not yet been brought. I used that information as a basis for denial.

In all these cases, the applicant was contacted and offered an opportunity to dispute this information, in some cases including the offer of a polygraph exam. The applicants either declined the opportunity or failed to convince me that it lacked validity.

Also, I can tell you that at least one of these applicants appealed to the Council and was granted a license over my objection.

I hope this provides the information requested. I plan to be present to discuss it further, as needed, at the next Committee meeting. If you have any questions in the meantime, let me know. Thanks.CT