

**FINAL DECISION CONCERNING REVOCATION OF HOTEL/MOTEL
LICENSE FOR ARORA HOSPITALITY, LLC, DBA RODEWAY INN**

Introduction

This is the final decision of the Town of Grand Chute Town Board concerning a complaint seeking the revocation of the Hotel/Motel License belonging to Arora Hospitality, dba Rodeway Inn (“Arora”). For the reasons described below, the Town Board affirms its original decision to revoke Arora’s license.

Procedural History**I. Complaint.**

A Complaint seeking revocation of Arora’s Hotel/Motel License was filed with the Town of Grand Chute Town Clerk by Greg Peterson, Police Chief of the Town, on or about November 3, 2022. The Complaint alleged that Arora’s License should be revoked under Town of Grand Chute Municipal Code Chapter 315, *Hotels and Motels*, Section 315-9, based on the following grounds:

- Section 315-9 E (1), Incidence of drug-related CFS, or arrests;
- Section 315-9 E (2), Incidence of prostitution-related CFS, or arrests;
- Section 315-9 E (3), Incidence of multiple ordinance violations;
- Section 315-9 E (4), Excessive number or nature of CFS;
- Section 315-9 F, Noncompliance with federal or state law or Town of Grand Chute Municipal Code;
- Section 315-9 G, Good cause in the discretion of the Town Board showing that the operation of the hotel/motel is such that has, is, or will negatively impact the health, safety, and/or welfare of its guests, the residents or businesses of the surrounding community, or the Town due to any of the foregoing factors listed above.

A copy of the Complaint is attached as Exhibit A. It provides additional details for each of the alleged violations.

II. Response.

Arora filed a Response to the Complaint on November 16, 2022. In the Response, Arora provided the following responses:

- Section 315-9 E (1): The respondent does not control other people's behavior and, therefore, is not responsible for the drug-related calls.
- Section 315-9 E (2): The respondent does not control other people and was not aware of any prostitution-related activities upon check-in.
- Section 315-9 E (3) The respondent is not responsible for other people.
- Section 315-9 E (4): The respondent refers to the answers above.
- Section 315-9 F: The respondent has done its best in implementing recommendations provided to it by the Town.
- Section 315-9 F: The respondent has been trying its best to address the Health Department's concerns.
- Section 315-9 G: The respondent requests additional time to address the alleged violations.

A copy of the Response is attached as Exhibit B. It provides additional details for each of the responses.

III. Initial Licensing Committee Proceedings.

The Complaint was filed with the Licensing Committee on November 4, 2022. The Committee provided notice of the Complaint and initial meeting to discuss it as required by Chapter 315 of the Town of Grand Chute Municipal Code. A meeting was held on December 6, 2022. Arora appeared at the meeting by counsel. After a summary of the Complaint and Response, both parties were allowed to provide testimony, argument, and other evidence to the Committee. Both parties were questioned by the Committee. Attached as Exhibit C is a copy of the December 6, 2022 Licensing Committee meeting minutes that further summarize the proceedings.

The Licensing Committee found, based on the Complaint and Response, as well as the testimony, argument, and other evidence before it at the hearing, that several grounds for revocation were demonstrated. Those grounds were (1) incidence of drug-related CFS or arrests, (2) incidence of prostitution-related CFS or arrests, (3) incidence of multiple ordinance violations, (4) excessive number or nature of CFS, (5) noncompliance with federal

or state law or Town of Grand Chute Municipal Ordinances. The Committee then considered the factors set forth in Section 315-9 H of the Town of Grand Chute Municipal Code to determine the appropriate sanction for the violations. The Committee determined that revocation was the proper sanction.

A copy of the Licensing Committee's Investigative Report, further describing its proceedings and analysis, is attached as Exhibit D.

IV. Initial Town Board Proceedings.

Pursuant to Chapter 315 of the Town of Grand Chute Municipal Code, on January 17, 2023, the Town Board received and considered the Licensing Committee's Investigative Report and made a final decision on it. Prior to the meeting, the Town Board was also provided the full audio of the December 6, 2022 Licensing Committee meeting.

At the meeting, the Town Board reviewed the proceedings and Investigative Report and voted unanimously to accept the Licensing Committee's recommendation and revoke Arora's Hotel/Motel License. A copy of the minutes of the January 17, 2023 Town Board meeting are attached as Exhibit E.

V. Second Licensing Committee Proceedings.

Arora appealed the Town Board's decision in accordance with Section 315-10 B of the Town of Grand Chute Municipal Code. Appeals under that section are heard initially by the Licensing Committee, which may recommend reversing or upholding the decision. At a meeting held on February 23, 2023, the Licensing committee met to consider the appeal. The Committee heard argument and testimony from the parties, and voted to uphold the previous decision. A copy of the minutes from that meeting are attached as Exhibit F.

Arora then exercised its final appeal right to request a full hearing before the Town Board. The hearing was held on May 9, 2023 and is described in the remainder of this document.

Final Town Board Hearing

I. Introduction.

A final hearing before the Town Board was held on May 9, 2023. The date of the hearing was selected by the parties, who each agreed to waive the typical 30-day deadline for the hearing to be conducted due to scheduling conflicts. The agenda for the hearing, the order of business, and the hearing mechanics were discussed and agreed upon by the parties prior to the hearing. The parties also exchanged witness lists and exhibits prior to the hearing.

II. Hearing Summary.

A full audio recording of the hearing is on file with the Town and is incorporated herein by reference. At the hearing, the Town Board's attorney provided a procedural overview of the hearing agenda. There were then three preliminary procedural objections made by Arora with responses by Chief Peterson. The three objections and responses consisted of the following (and rulings on them are provided in a later section):

- Arora objected to Chief Peterson testifying because he was not identified on the Complainant's witness list. Chief Peterson agreed that he would not be testifying.
- Arora objected that it did not receive Chief Peterson's witness list and exhibits one week prior to the hearing as agreed upon by the parties in their scheduling order. Chief Peterson's counsel clarified that the witness lists and exhibits were sent on time but went into Arora's counsel's junk mail folder and that Chief Peterson's counsel is not responsible for overseeing Arora's counsel's email folder. Arora responded that Chief Peterson should have provided the materials in hard copy.
- Arora objected that Chief Peterson did not provide all records that Arora requested in a February 27, 2023 public records request.

The objections were received and were not ruled on at the hearing.

Chief Peterson then presented his complaint. Notably, although the Complaint that he originally filed included allegations for the time period from January 1, 2022 through October 15, 2022, Chief Peterson clarified that at the hearing, and for purposes of the final decision, he will only be relying on the incidents that occurred between July 1, 2022 and the filing of the Complaint. According to Chief Peterson, incidents that occurred before July 1, 2022 were less relevant because they occurred during a separate licensing year and events occurring after the Complaint were outside of the scope of the Complaint.

Chief Peterson then presented testimony from several witnesses. Each witness was a member of the Town of Grand Chute Police Department. The witnesses were Lt. Russ Blahnik, Ofc. Ben Watson, Cpl. Leah Johnson, Sgt. Amanda Gollner, Sgt. Joe Teigen, Cpl. Austin Weisnicht, and Sgt. Ben Kons. These witnesses testified regarding several incidents that took place at Rodeway Inn between July 1, 2022 and the filing of the Complaint. These incidents included a response to an allegation of a sex offense involving a 10-year old child, the possession of cocaine and other drugs, allegations of theft, unregistered guests at the hotel, cockroach complaints, two deaths caused by drug overdoses, another individual who overdosed and needed medical aid, another individual who was having an episode under the influence of drugs, and a woman who required medical aid who was under the influence of drugs and was unresponsive. These events all occurred in a period of approximately four

months. Chief Peterson also submitted 24 exhibits consisting of Incident Reports for various calls for service. The full testimony is available in the audio recording of the hearing, which is incorporated by reference.

Arora also presented testimony from several witnesses. The witnesses were Hardeep Singh, owner of the hotel; Jay Ravel, employee of the hotel; Tracey Kieya, employee of the hotel, Tyler Zilles, employee at Titletown Lawn & Pest Pros, and Bradley Bubolz, employee of the hotel. These witnesses testified regarding various topics, including the hotel's cooperation with law enforcement efforts, the hotel's inability to control certain aspects of its patrons' behavior, efforts to keep drugs out of the hotel, efforts to control pests at the hotel, practices to deal with potential crimes, check-in processes, hall checks and camera monitoring systems. Arora also submitted as exhibits a copy of an invoice for roach control as well as a copy of an email regarding Arora's receipt of various records. The full testimony is available in the audio recording of the hearing, which is incorporated by reference.

I. Decision on Procedural Objections.

As described above, Arora made three procedural objections at the outset of the hearing. One was resolved by the parties, as Chief Peterson did not testify. The other two require rulings from the Board.

a. Timing of Arora's Receipt of Witness Lists and Exhibits.

Per the scheduling order agreed upon by the parties, Chief Peterson was to serve his witness list and exhibits by May 2, 2023. It does appear that Chief Peterson did email his witness list and exhibits to Arora by that deadline. The Town Board also received its copy of those materials that day. There appears to be no dispute that Chief Peterson sent his materials in a timely fashion.

Arora objects because the materials went into its attorney's email account's "junk" folder. Arora claims that Chief Peterson should have done more to ensure that the materials he sent were actually received by Arora. The Town Board disagrees.

First, the Town Board believes that email is an acceptable matter of communication in this case. It was the manner in which all attorneys had been communicating in the weeks leading up to the hearing. It was also the manner in which Arora submitted its witness list and exhibits (copy attached as Exhibit G.) Email cannot be an acceptable method of service for Arora but not for Chief Peterson.

Second, Arora did not raise a concern about this issue until the afternoon preceding the hearing. Arora was aware of the deadline for Chief Peterson's witness list and, if it did not see the materials come through on May 2, 2023 it had several days during which it could have followed up with Chief Peterson to address the issue. Instead, Arora waited until the eve of the hearing to raise the issue.

Finally, the Town Board believes that Chief Peterson has no responsibility for the performance of the inbox for Arora's counsel. Arora suggested that it was incumbent upon Chief Peterson to follow up with Arora to confirm receipt of the materials. The Town Board disagrees.

Accordingly, this objection is overruled.

b. Arora's Public Records Request.

In one paragraph of the Complaint, Chief Peterson mentions "the 240 calls for service attributed to Rodeway Inn from January 1, 2022 through October 15, 2022." The bulk of the Complaint then identifies and describes in detail several individual calls for service. On February 27, 2023, Arora submitted a public records request seeking "the official report for each one of the police calls referenced in the original complaint in this matter." On March 9, 2023, the Town notified Arora's counsel that those records were available and ready for pickup. A copy of that communication is attached as Exhibit H.

At no time between March 9, 2023 and May 7, 2023 did Arora raise an issue concerning the scope of the response. Then, on May 8, 2023 – the day preceding the hearing – Arora emailed an objection stating that it "did not receive the police reports for the 240 calls referenced from January 1, 2022 to October 15, 2022 in the Town's original complaint." Arora made the same objection at the hearing.

The Town Board overrules this objection as well. First, the Town Board believes the records the Police Department provided to Arora were responsive to the request. The request did not explicitly seek records for all 240 calls. It requested records for "the police calls referenced in the Complaint." The Police Department interpreted that to be a request for the several incidents that were specifically enumerated and described in the Complaint. And, having not heard otherwise for a period of two months, the Town Board believes that interpretation is reasonable. Further, there are remedies available under the Public Records Law that Arora could have pursued had it thought that it received an incomplete set of records. However, it did not do so. Rather, it waited until the day before the hearing to raise any issue.

II. Decision on the Merits.

Having resolved the procedural objections, the Board can now move onto the merits of the matter. As described above, Chief Peterson is currently seeking revocation based solely on the incidents that occurred at Rodeway Inn between July 1, 2022 and the filing of the Complaint. And as described above, during that brief period, there were several incidents, many of which were very severe, including sexual assault of a child, drug possession, drug overdoses, and multiple deaths.

One basis for denying, suspending, revoking, or non-renewing a hotel/motel license is “excessive number or nature of [calls for service.]” The Town Board finds that there was an excessive number and nature of calls for service to Rodeway Inn during the relevant period. The Board further believes that the incidents described at the hearing were both severe and pervasive.

A second basis for denying, suspending, revoking, or non-renewing a hotel/motel license is when there is “good cause in the discretion of the Town Board showing that the operation of the hotel/motel is such that has, is, or will negatively impact the health, safety, and/or welfare of its guests, the residents or businesses of the surrounding community, or the Town.” The Town Board finds that such good cause does exist in this case. During the relevant period, conduct associated with the Rodeway Inn has led to admitted sexual assault, drug overdoses, and multiple deaths. These outcomes certainly “negatively impact the health, safety, and/or welfare” of Rodeway Inn’s guests.

The Board notes Arora’s testimony regarding its efforts to mitigate these problems. However, the Town’s ordinance does not include an intent element. That is, it is the existence of these problems, rather than the blameworthiness or lack of blameworthiness for them, that is important.

III. Sanction.

Having concluded that there are grounds for the revocation or suspension of Arora’s Hotel/Motel License, the next question is the appropriate remedy. Section 315-9 H of the Town’s ordinance provides various factors that may be considered in determining the appropriate sanction. The Board has considered those factors. The Board finds that the combination of both frequent and serious calls for service, as well as the history of calls for service at the property would support a more severe sanction.

The Board is also instructed by the ordinance to consider the actions of the licensee to take responsibility to correct the violations as well as any conduct taken by the licensee to interfere with correction of the problem. The Board does not find that Arora took any action to obstruct correction of the problem. However, the Board also finds that Arora has not taken sufficient steps to correct the problem either. Indeed, the primary thrust of Arora’s argument at the hearing was that they are not responsible for what happens at Rodeway Inn and cannot do anything about it.

The Board is also instructed to consider the impact of the violations on the surrounding property and community as well as the financial impact to the Town. Given the seriousness of the offenses and their consequences, the Board finds that there was significant impact on the community and the Town’s finances.

Having considered these factors, the Town Board concludes that revocation is the proper sanction for the violations described above.

Conclusion

For the above reasons, the Board finds that there are multiple bases for revocation and does hereby revoke the Hotel/Motel License of Arora Hospitality.