



Giesen Law Offices, S.C.

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May 7, 2019

ALRC

Madison Municipal Building
215 Martin Luther King Jr. Blvd., #215
Madison, WI 53703

Via Email

**Re: Macro, Inc. d/b/a West Badger Liquor and
North American Group of Companies, Inc. d/b/a Madison Bazaar**

Dear Members of the ALRC:

At the May 15, 2019 meeting, we will be requesting the ALRC to authorize the correction of a clerical error in the issuance of the licenses to the above two licensees following public hearings, testimony, and much discussion at the May 25, 2017 meeting.

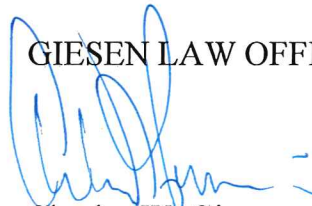
Our concerns and this request are set forth in our correspondence to Assistant City Clerk Jim Verbick dated March 14, 2019, which is attached to this email for your reference. Also note that the inconsistency between the ALRC's decision as adopted by the Common Council and the clerical error in issuing the license was brought to the City Clerk's attention in 2017. The email response from the Clerk's Office referencing a limitation to "airport bottles" dated August 7, 2017 is also attached for your reference.

Thank you for your consideration.

Very truly yours,

GIESEN LAW OFFICES, S.C.

By



Charles W. Giesen

CWG:djh/Enclosures

cc w/enc: ACA Jennifer Zilavy (via email)
ACA Roger Allen (via email)
City Clerk (via email)
Nadeem Syed

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March 14, 2019

Jim Verbick
Deputy Clerk
City of Madison City Clerk's Office
210 Martin Luther King Jr. Blvd., Rm. 103
Madison, WI 53703

Via Email to:
Jverbick@cityofmadison.com

**Re: Liquor License: 1901 S. Park Street, Madison
North American Group of Companies, Inc.**

Dear Mr. Verbick:

This office represents North American Group of Companies, Inc., the liquor licensee for the premises located at 1901 S. Park Street.

It has recently come to our attention that the paper liquor license presently in existence for this location contains a condition that was included in error. Specifically, the license provides:

“4) The establishment shall not sell, dispense or give away intoxicating liquor in the original container in amounts of two hundred (200) milliliters or less in volume. . . .”

We have carefully researched the history regarding the granting of the license, including reviewing my notes from the May 25, 2017 ALRC meeting and preparing a transcript from the audio/video recording of the actions taken at that meeting pertaining to this license. The condition prohibiting sales of “200 milliliters or less” was discussed but was changed on motion to preclude the sale of bottles of 50 milliliters or less. With that change and the other conditions, the license was approved by the ALRC on May 25, 2017. A transcript of the portion of the ALRC hearing and vote regarding that condition is attached for your reference.

Jim Verbick
March 14, 2019
Page 2

The Madison Common Council subsequently took up consideration of that license on June 6, 2017, and based on a motion by Alderwoman Rummel which was seconded by Alderman Baldeh, the Madison Common Council approved the recommendations of the ALRC. As noted, those only limited the sale of bottles of 50 milliliters or less. We are enclosing a transcript of that portion of the Common Council meeting for your information.

We would appreciate it if you could review these materials and provide our client with an updated and corrected paper liquor license that accurately reflects the recommendation of the ALRC which was adopted by the Common Council.

Thank you for your attention to this matter.

Very Truly Yours,

GIESEN LAW OFFICES, S.C.

By

A handwritten signature in black ink, appearing to read 'Charles W. Giesen', with a horizontal line extending from the end of the signature.

Charles W. Giesen

CWG:djh

Enclosures

cc: North American Group of Companies, Inc.

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Partial Transcript of ALRC Meeting 5/25/2017

Re: Item No. 16 (1901 S. Park Street)

Mr. Fletcher: What I, I think, given what's been said about 11 and 19 being more similar, can we deal with 16 quickly? Can I make a motion?

Unknown person: Yes

Mr. Fletcher: Can I move that renewal with the conditions as read by the clerk, so the eight conditions I believe Rachel, and then maybe adding a ninth condition to deal with airplane bottles, which think is the 200 ml. language that's on another license if I'm. . .

Unknown person: 50 ml.

Mr. Fletcher: 50? Do we have standard. . .

[unknown persons speaking]

Mr. Fletcher: Do we have standard language on it that we typically, I think use right? I'm looking at Mr. Donnelly or the clerk . . .

[unknown persons speaking/laughing] Yeah . . .

Mr. Fletcher: Sorry about that.

Unknown person: It's in here for Rockies. . . .

Unknown person: Are you covering all three, is this gonna be for . . .

Unknown person: No, just 16.

Unknown person: Just 16. Okay.

Unknown person: Well you just have to change the number on it.

Mr. Fletcher: Oh, okay.

Unknown person: Because that's half pints.

Mr. Fletcher: Okay.

Clerk: So the condition, if you want, the condition for Rockies is: The establishment shall not sell, dispense or give away intoxicating liquor in the original container in amounts of 200 ml. or less in volume. Intoxicating liquor shall not include wine in the original container with an alcohol content of 15 percent or less.

Mr. Fletcher: So change it to 50 . . . is that correct . . . the airplane? Okay. So we change that, we add a ninth condition with 50 ml. or less, and that Alder _____, you wanted a community meeting, is that correct?

[discussion about holding a community meeting, condition not necessary to be on their license . . .]

Unknown person: Discussion? [pause] No discussion. All right, then we shall vote. All those in favor say aye. [Aye votes] Opposed? [none] Okay, so that's Item 16, and then you want to take 11 and 19 . . .

Partial Transcript of Madison Common Council Meeting 6/6/2017

Re: Item Nos. 9 through 30 (which include #22 - 2801 Atwood Ave., #27 - 1901 S. Park Street, and #30 - 714 W. Badger Road)

33:44 Mayor Soglin: We do have registrants supporting available to answer questions on 9 and supporting that wish to speak on 26. At this time, I'll declare a public hearing open on Items 9 through 30. Is there any registrations other than those? No, there are not, and therefore we'll declare the public hearings closed. Alderwoman Rummel, can we have a motion on adopting the reports of items 9 through 30?

Alderwoman Rummel: Recommend the adoption of the ALRC which is, but there's a lot of different ones here, so I get to read them . . .

Mayor Soglin: Just, no, just all you, just move adoption of the reports.

Alderwoman Rummel: As recommend, the report of the ALRC . . . thank you.

Mayor Soglin: . . . report as recommended, yes.

Unknown person: Second..

Mayor Soglin: There is a set motion and a second. On the report, adoption of the report, all those in favor aye.

Common Council: Aye.

Mayor Soglin: Opposed no? [silence]. Motion carries. That worked out.

Donna J. Higgins

From: Charles W. Giesen
Sent: Wednesday, May 1, 2019 6:03 PM
To: Donna J. Higgins
Subject: FW: Alcohol License 71253-77470

On Monday, August 7, 2017, 4:04 PM, Verbick, Jim <JVerbick@cityofmadison.com> wrote:

Good afternoon,

Correct. Condition 4 on the license I sent to you this morning was added to prevent the selling for bottles of intoxicating liquor smaller than 200ml, such as the 50ml airport bottles.

Sincerely,

Jim Verbick, Deputy Clerk

City of Madison City Clerk's Office

City-County Building-Room 103,
210 Martin Luther King Jr. Blvd. 53703
TEL: [\(608\) 266-4601](tel:(608)266-4601)
FAX: (608) 266-4666 [\(608\) 266-4666](tel:(608)266-4666)

jverbick@cityofmadison.com

Follow us on Twitter [@MadisonWIClerk](https://twitter.com/MadisonWIClerk)

"We exist to assist"

From: Shariff Syed [<mailto:nagc13@yahoo.com>]
Sent: Monday, August 07, 2017 1:15 PM
To: Verbick, Jim
Subject: Re: Alcohol License 71253-77470

Charles W. Giesen

From: Charles W. Giesen
Sent: Wednesday, May 8, 2019 11:22 AM
To: Jennifer Zilavy; Madison City Clerk; Thomas A. Landgraf (tom@dimdevllc.com); Fernando Cano Ospina; James Boxrud; Jason Freedman; Jim Verbick; Leslie G. Orrantia; Michael E. Verveer; Michael S. Donnelly; Patrick J. Grady; Paul E. Skidmore; Roger Allen; Sean D. Harvatine II; Sheri Carter; Stefan J. Fletcher; Roger Allen
Subject: Macro, Inc., d/b/a West Badger Liquor and NAGC, d/b/a Madison Bazaar
Attachments: ALRC-11.pdf; Verbick email 8-7-2017.pdf; Verbick-11.pdf

Please see the attached correspondence and documents. Thank you.

CHARLES W. GIESEN
ATTORNEY AT LAW
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