

## Statz, Ronda

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**From:** Mary Carbine [mcarbine@downtownmadison.org]  
**Sent:** Thursday, January 14, 2010 3:15 PM  
**To:** Mayor; Schumacher, Michael; Verveer, Mike; Statz, Ronda; Gloede, Carl; Brist, Steven; tfarley@thinklaughlive.com; tlc@mailbag.com; David Hart; chetgerlach@gmail.com; pambean@charter.net; dbcrim@bascom.wisc.edu; Plominski, Katherine; Bidar-Sielaff, Shiva; mwoulf@wisc.edu  
**Cc:** Plant, Joel; Eagon, Bryon; Schmitz, Susan  
**Subject:** Proposed amendment "Working in alcohol establishments"

Dear Mayor Cieslewicz and members of the ALRC,

I am writing about the proposed amendment (Legislative ID 16432, <http://legistar.cityofmadison.com/detailreport/matter.aspx?key=18278>) to 38.06(8) of the Madison General Ordinances to prohibit the drinking of alcohol by licensees and employees of a licensed retail alcohol establishment while working in the establishment which is on the January 20 ALRC agenda.

A number of BID business owners have contacted me with concerns about the rationale for this "zero tolerance" policy, and how it would interfere with their quality control and normal business operations. Tasting the product is simply part of the job for sommeliers, brewers, waitstaff, bartenders and owners of establishments. The scope of the proposed amendment appears to have other unintended consequences, such as prohibiting the owner's family from stopping by an establishment for dinner and a glass of wine, or prohibiting musicians or other performers in an establishment from having a beer.

We understand that the amendment is undergoing revisions to address some of the unintended consequences, such as concerns about sampling and exempting performers.

However, questions remain about the underlying rationale of the amendment. The drafter's analysis does not specify what existing problems prompted this amendment, nor does it contain references to any data. The police call records provided to ALRC members by Katherine Plominski on November 18 as examples of what this amendment is trying to address are all about intoxicated employees. Since it is already prohibited for employees of a licensed establishment to be under the influence of an intoxicant, it is unclear what problems this amendment will address. However, the amendment may have unintended consequences such as outlawing wine-tastings at L'Etoile, or preventing the parents of the owner of a licensed establishment from having a glass of wine there.

We suggest that this amendment needs further discussion and input from the businesses community, as there seems to be ways to achieve the safety goals within existing ordinances and without the negative unintended consequences of the amendment. The BID Board would be happy to serve as a resource and referral committee.

Thank you,

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