



City of Madison
Meeting Minutes - Final
ALCOHOL LICENSE REVIEW
COMMITTEE

City of Madison
Madison, WI 53703
www.cityofmadison.com

*David Hart; Ken Kamp; Ald. Judy Olson; Ald. Mike Verveer;
Stephanie A. Rearick; John McNamara; Janice C. Wheaton;
LaMarr Q. Billups; Captain Jay Lengfeld; Marsh Shapiro; Jennifer Zilavy; Maribeth Witzel-
Behl*

Wednesday, January 18, 2006

5:30 PM

210 Martin Luther King, Jr. Blvd.
Room GR-27 (City-County Building)

Call to Order

Roll Call

Present: Olson, Verveer, Maribeth Witzel-Behl, Marsh Shapiro, Jay Lengfeld, Jennifer Zilavy, McNamara, Wheaton, Hart, Kenneth R. Kamp, Rearick, LaMarr Q. Billups and Joel Plant

Approval of Minutes

A motion was made by Rearick, seconded by Ald. Olson, to Approve the Minutes of December 14, 2005. The motion passed by acclamation.

A motion was made by Rearick, seconded by Ald. Olson, to Approve the Minutes of January 17, 2006. The motion passed by acclamation.

Discussion Items Referred

1. [02070](#) Discrimination complaints against license holders and applicants

A motion was made by Rearick, seconded by Ald. Olson, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE March 15, 2006, meeting. The motion passed by acclamation.

2. [02471](#) Standards for Granting Operator's Licenses

A motion was made by Rearick, seconded by Ald. Olson, to Table. The motion passed by acclamation.

Change of Agent

3. [02626](#) Change of Liquor Agent
Hooters of Madison, Inc. • dba Hooters of Madison • 6654 Mineral Point Road
Old Agent: Shane Beecraft • New Agent: William Gedris
Class B Combination Liquor & Beer • capacity 388 • 35% alcohol, 65% food

A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER
The motion passed by acclamation.

4. [02665](#) Change of Liquor Agent
M&M Madison Concessions, LLC • dba Howard Johnson Madison
3841 E. Washington • Old Agent: Ron Trachtenberg • New Agent: Larry Sloan
Class B Combination Liquor & Beer • 3.3% alcohol, 16.5% food, 80.2% other
Appearance in Support: Attorney Rick Petri.

A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER
The motion passed by acclamation.

Change of Corporate Control

5. [02691](#) Change of Corporate Control - 1 new member
Grand China Buffet, Inc • dba China 1 Buffet Chinese Restaurant • capacity 360
518 Grand Canyon Drive • Agent: Josephine Duffy
Class B Combination Liquor & Beer • 5% alcohol, 95% food
A motion was made by Ald. Olson, seconded by Rearick, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER
The motion passed by acclamation.

Nightclub and Centers for Visual & Performing Arts license applications

6. [02685](#) Nightclub License Application
PMR Management, Inc. • dba Pedro's Mexican Restaurante • capacity 360
499 D'onofrio Drive • Agent: James Martine
Class B Combination Liquor & Beer • 42% alcohol, 58% food
Appearance: James Martine (applicant).

A motion was made by Ald. Verveer, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER
The motion passed by acclamation.
7. [02686](#) Center for Visual & Performing Arts Application
PMR Management, Inc. • dba Pedro's Mexican Restaurante • capacity 360
499 D'onofrio Drive • Agent: James Martine
Class B Combination Liquor & Beer • 42% alcohol, 58% food
Application was withdrawn.

A motion was made by Ald. Verveer, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER
(Application was withdrawn.) The motion passed by acclamation.

8. [02687](#) Nightclub License Application
Pedro's of Madison, Inc. • dba Pedro's Mexican Restaurante • capacity 398
3555 E. Washington Avenue • Agent: James Martine
Class B Combination Liquor & Beer • 43% alcohol, 57% food
Appearance: James Martine (applicant).
A motion was made by Ald. Verveer, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER
The motion passed by acclamation.

9. [02688](#) Center for Visual & Performing Arts Application
Pedro's of Madison, Inc. • dba Pedro's Mexican Restaurante • capacity 398
3555 E. Washington Avenue • Agent: James Martine
Class B Combination Liquor & Beer • 43% alcohol, 57% food
Application was withdrawn.
A motion was made by Ald. Verveer, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER
(Application was withdrawn). The motion passed by acclamation.

10. [02690](#) Nightclub License Application
D and Gs, LLC • dba Capital Hill Grill • capacity 270
380 W. Washington Avenue • Agent: Brad Stroud
Class B Combination Liquor & Beer • 40% alcohol, 60% food
Appearance: Brad Stroud (applicant).
A motion was made by Ald. Verveer, seconded by Rearick, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by the following vote:
Aye: Olson, Verveer, McNamara, Hart, Kamp and Rearick
Abstain: Wheaton

Capacity Review

11. [02648](#) Capacity Review
Neek, Inc. • dba Kimia Lounge • Capacity increase from 100 to 160
14 W. Mifflin Street • Agent: Kami Eshraghi
Class B Combination Liquor & Beer • 89% alcohol, 11% food
Appearance in Support: Kami Eshraghi (applicant). Appearances in Opposition: Fred Mohs, Jamie McCarville, and Ledell Zellers.
A motion was made by Ald. Olson, seconded by Ald. Verveer, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE February 15, 2006, meeting, at which time the committee will look at the original liquor license application, the minutes from when the license was initially granted, and calls for service at this establishment. The motion passed by acclamation.

New License - Public Hearing

12. [02418](#) Public Hearing - New License
Manuel Cortez • dba Tienda Los Gemelos
6713 Odana Road • Class A Beer
Appearance: Manuel Cortez (applicant).
with conditions
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING with the following conditions: 1) No sale of single bottles or single cans of beer or fermented malt beverages. 2) No sale of 40 ounce bottles of fermented malt beverages.
The motion passed by acclamation.
13. [02616](#) Public Hearing - New License
Pierce's Supermarket, Inc. • dba Pierce's Northside Market
2817 N. Sherman Avenue • Agent: Ron K. James
Class A Liquor, Class A Beer
Appearances: Ron James (applicant), Jeff Maurer (applicant), and Attorney Rick Petri.
with conditions
A motion was made by Rearick, seconded by Ald. Verveer, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING with the following conditions: 1) No sale of single bottles or single cans of beer or fermented malt beverages. 2) No sale of 40 ounce bottles of fermented malt beverages. The motion passed by the following vote:
Aye: Olson, Verveer, McNamara, Wheaton, Kamp and Rearick
Abstain: Hart
14. [02633](#) Public Hearing - New License
Singh, Resham • dba India Darbar Restaurant • 6119 Odana Rd • capacity 80
Class B Beer, Class C Wine • 10% alcohol, 90% food
Appearance: Anwar Abbas (applicant).
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by acclamation.
15. [02647](#) Public Hearing - New License
KDRD Madison State, LLC • dba Fuddruckers • estimated capacity of 78
651 State Street • Agent: Elliott Stubbendick
Class B Beer, Class C Wine • 2% alcohol, 98% food
Appearance: Elliott Stubbendick (applicant).
A motion was made by Ald. Verveer, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by acclamation.

Operator Request to Change License Conditions

16. [02617](#) Richard Remington, 114 N. Brearly Street
Request to remove condition that applicant provide letter from employer.
A motion was made by Ald. Verveer, seconded by Ald. Olson, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE February 15, 2006, meeting. The motion passed by acclamation.

Operator Applicants - Appearance Requested by Madison Police Department

17. [02618](#) Operator License Application
Daniel P. Cushing, 306 S. Park Street
Appearance: Daniel Cushing (applicant).
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER
The motion passed by acclamation.
18. [02619](#) Operator License Application
Robert P. Granger, 168 Veterans Road, Stoughton
Appearance: Robert Granger (applicant).
A motion was made by Ald. Olson, seconded by Ald. Verveer, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by the following vote:
Aye: Olson, Verveer, McNamara, Wheaton, Kamp and Rearick
No: Hart
19. [02620](#) Operator License Application
Jorge Osuna, 8530 Greenway Boulevard #112, Middleton
A motion was made by Ald. Verveer, seconded by Rearick, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE February 15, 2006, meeting. The motion passed by acclamation.
20. [02621](#) Operator License Application
David L. Younk, 1402 Regent Street
Appearance: David Younk (applicant).
with condition
A motion was made by Ald. Verveer, seconded by McNamara, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER with the following condition: Contingent upon City Clerk's Office receiving a letter from applicant's probation agent. The motion passed by acclamation.

Presentation & Discussion

21. [02622](#) Capitol Neighborhoods Ad Hoc Committee on Alcohol Issues report on minimizing the impact of alcohol abuse on our neighborhoods and re-establishing a sense of accountability in the alcohol purveying and using community for the safety and well-being of residents.
- A motion was made by Ald. Verveer, seconded by Rearick, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE for on a future agenda. The motion passed by acclamation.**

Report of the City Attorney

22. [02693](#) Simm's Place -- municipal court prosecution for liquor law violations.
- Attorney Zilavy reported that a pre-trial has been set for the following charges against Simm's Place (2231 Myrtle Street): no licensed bartender on duty; three counts of permitting underage on premise, four counts of selling to underage; and four counts of failure to enforce the no smoking ordinance. She said there could be an assessment of 350 points for these violations, and that would result in a license suspension.**

Report of the City Clerk's Office

23. [01705](#) Summary of Licenses Issued
- The following summary was provided for the current license year:**
- Class A Beer (Liquor Store): 51 issued**
 - Class A Beer (Grocery): 60 issued**
 - Class A Liquor: 51 issued**
 - Class B Beer: 67 issued**
 - Class B Liquor & Beer: 339 issued**
 - Class C Wine: 41 issued**
 - Wholesale Beer: 5 issued**
 - Visual & Performing Arts: 9 issued**
 - Nightclub: 53 issued**
 - Adult Entertainment Tavern: 3 issued**
 - Operator: 2,106 issued**
 - Provisional Operator: 348 issued**
 - Food & Drink (\$1 to \$10,000): 141 issued**
 - Food & Drink (\$10,001 to \$100,000): 296 issued**
 - Food & Drink (\$100,001 to \$250,000): 210 issued**
 - Food & Drink (\$250,001 to \$1,000,000): 281 issued**
 - Food & Drink (\$1,000,001 to \$5,000,000): 95 issued**
 - Food & Drink (Greater than \$5,000,000): 18 issued**
 - Sidewalk Cafe: 53 issued**
 - Picnic Beer License: 36 issued**

*** Madison has a quota of 396 Class B Combination Liquor & Beer licenses under state law. 59 of 71 Reserve licenses have been granted. 281 of 325 Grandfathered licenses have been granted. 56 Class B Combination licenses are currently available in the city of Madison.**

02471

Standards for Granting Operator's Licenses

A motion was made by Rearick, seconded by Ald. Olson, to Take Off The Table. The motion passed by acclamation.

Mr. Kamp referred to the notice on the operator license application that says, "A false answer and/or omission of any information requested on this form may result in an unfavorable recommendation or denial. He said the committee needs to define "falsify" because applicants who omit convictions tell the committee that they were just being vague. Mr. Hart said something needs to be done to ensure applicants understand that they are obligated to write everything down.

Attorney Zilavy told committee members that denying operator licenses in cases where the application has been falsified would actually help the applicants because they would pay the consequence and would not falsify future applications.

Captain Lengfeld said the Police Department is looking for honesty when it runs background checks on these applications and decides whether applicants will be asked to appear before the Alcohol License Review Committee.

Ms. Rearick said the applications before the committee at this meeting made it obvious that testimony and applications are interpreted by committee members in a lot of different ways.

Mr. Plant said job, age, and attitude should not matter in these considerations, and that the committee needs to find some kind of consistency.

Mr. McNamara said it is the committee's job to consider the human condition. He said the application form creates a gray area by saying the applicant may be called before the committee and falsified applications may result in denial.

Captain Lengfeld said the committee has to be consistent in dealing with a public license, or applicants who are denied will claim prejudice.

Mr. Hart said the language on the application form creates a two-prong test: whether the applicant meets the minimum requirements set forth in the application, and the human element. He said he will always vote to reject applications with intentional material omissions.

Mr. Plant said he has observed that there is no consistency, and that general statements will slide by when applicants are called before the committee.

Ms. Wheaton asked why incomplete applications cannot be sent back to the applicants without requesting their appearance before the committee. Captain Lengfeld responded that the applicants still have the right to defend themselves before the committee.

Ms. Rearick said committee members were not going to get anywhere on this issue because they have different ideas of what "incomplete" means.

Mr. Billups said the Police Department can bypass the committee because they obviously do that for the majority of operator license applications that go straight to the Common Council agenda.

Alderson Olson suggested revising the operator license application form. Mr. Plant said he would present a draft to the committee at its February 15, 2006, meeting.

Adjournment

A motion was made by Ald. Verveer, seconded by Ald. Olson, to Adjourn at 7:45 p.m. The motion passed by acclamation.