

REPORT OF:  
ALCOHOL LICENSE REVIEW COMMITTEE  
OF THE CITY OF MADISON.

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CITY OF MADISON

Legistar ID# 40656

vs.

B.A.T., INC.,  
D/B/A "Madhatters"  
5754 Modenaire Street  
Madison, WI 53711

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**INTRODUCTION**

On or about August 6, 2015, the corporate entity B.A.T., the operator of Madhatter's, 322 W. Gorham Street, entered pleas of "no contest" to eighteen (18) counts of a complaint (Exhibit A) that alleged thirty-one (31) counts of violating the Madison Alcohol Beverage Code (chapter 38 Madison General Ordinances). The complaint was filed by the City before the Madison Municipal Court. The Court accepted B.A.T.'s no contest pleas and imposed forfeitures totaling \$8,314.00 all of which have been paid by the defendant.

On or about August 19, 2015, the City's alcohol prosecutor, Assistant City Attorney Jennifer Zilavy filed a Conviction Report with the City's Alcohol License Review Committee (ALRC) regarding B.A.T.'s convictions. ACA Zilavy requested that the ALRC impose demerit points in accordance with §38.10(4), MGO. On or about September 28, 2015 ACA Zilavy filed an amended Conviction Report (Exhibit B) which corrected the dates of certain convictions.

On September 30, 2015 the ALRC held a hearing on the City's request to impose demerit points. The license-holder was present represented by its agent Ted Gervasi and its legal Attorney Erik S. Olsen. The parties agreed that the allegations relating to March 9, 2015 were incorrect as the violations actually occurred on or about March 9, 2013. The license-holder agreed that in all other respects the Amended Conviction Report was accurate. As a result of this hearing the ALRC imposed 135 demerit points upon the license-holder which subject the license-holder to discipline under Chapter 38 MGO. On October 6, 2015, the Common Council approved a motion assessing 135 demerit points against the license-holder and the Mayor signed that motion on October 10, 2015. The license-holder has not appealed the assessment of these demerit points.

On December 7, 2015 the ALRC held a hearing to determine what, if any, discipline should be imposed upon the license-holder. The parties appeared represented by counsel and offered a joint recommendation of a fifteen (15) day suspension to be served with the condition that during the suspension the license-holder shall not engage in any remodeling of the premises

that would require or that is the subject of a city of Madison building permit. The ALRC further determined that this suspension should be served commencing at 12:01 AM on January 28, 2016 and running through 11:59 PM, on January 28, 2016.

### FINDINGS OF FACT

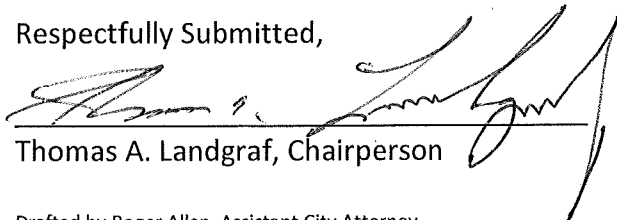
The ALRC makes the following findings of fact:

1. The license-holder has engaged in a pattern of serious violations of the Madison Alcohol Beverage Code as reflected in Exhibit's A and B;
2. These violations threaten the health, safety and welfare of our community;
3. The license-holder has admitted to such misconduct and has made substantial efforts to correct its behavior to include a complete change in policies, staff and management employees;
4. Madison Police Captain Carl Gloede has testified that the license-holder's operations have shown substantial improvement and that no new violations of the ordinances have occurred;
5. The proposed timing of this suspension will be during a period when students return to the University of Wisconsin campus and during a period of reportedly high alcohol consumption within the campus community.
6. The proposed suspension is within the range set by the demerit point guidelines, §38.10(4)(d), which recommend a suspension of not less than 3 days nor more than 90 days for the accumulation of more than 100 demerit points in a twelve (12) month period.

### CONCLUSION AND RECOMMENDATION

The ALRC, unanimously recommends that B.A.T.'s Class B combination alcohol license be suspended for a period of fifteen (15) days commencing at 12:01 AM on January 28, 2016 and running through 11:59 PM, on January 28, 2016 during which time the license-holder shall not engage in any remodeling of the premises that would require or that is the subject of a city of Madison building permit.

Respectfully Submitted,

  
Thomas A. Landgraf, Chairperson

12/16/2015  
Date

Drafted by Roger Allen, Assistant City Attorney  
Wis. State Bar No. 1020252