

Memorandum



To: Chairman Hart

From: Rick Petri

Re: Mauer's Fresh Foods

Date: 13 October 2009

Dear Chairman Hart:

I am writing in response to an email you recently received from Riley's Wines of the World regarding the Class A license application for Mauer's Fresh Foods. We thank them for their qualified support, however we have the following comments with respect to material contained in their email.

First, although Lucky Apartments and the nearby dorms has a substantial underage population, a targeted market area goes far beyond those particular populations which have virtually the same access to other Class A outlets as does Mauer's. We are fully aware of that demographic, and will work closely with the City to meet the highest standards for the downtown area. We think it also important to understand that there are a growing number of professionals and empty nesters who also reside within our target area.

Riley's suggests that we be held to an alcohol/food ratio of 10/90%. While I could understand if a liquor store operator with 35 years of experience came to you with an application to open a grocery store, there are legitimate questions that could be raised regarding the nature of the proposed operation. However, in this particular case, we ask you to be mindful of the fact that Jeff Mauer has spent 35 years in the grocery business, and most of those locations did have a Class A license which was operated in a very responsible fashion. We think that Mr. Mauer's track record speaks for itself, and negates the need for an artificial restriction not placed on any other grocery store Class A operation to our knowledge.

Riley's also requests that there would be specific sales areas designated to alcohol products denominated for the store allegedly for the purpose of controlling access to underage customers. Most of the grocery stores with which we are familiar do not have an artificial constraint on the placement and merchandising of their alcohol related products. We would expect to be given the same marketing flexibility as other true grocery stores in this community.

Last but not least, Riley suggests restrictions with regard to signage promoting wine and beer. We would bring your attention to the Liquor Mart case, which can be found at 517 U.S. 484 (1996). This U.S. Supreme Court decision overturned a Rhode Island ban on the window advertising of alcohol beverages on liquor licensed establishments as running afoul of the first amendment. There is no need to till those soils again.

Chairman Hart
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Our application is before you at your meeting of October 21, 2009. If in the meantime any of you have any comments, questions, or concerns, we would encourage and invite you to contact us so that we can further discuss those issues prior to the meeting. Your prompt attention is appreciated.

Sincerely,

Rick Petri

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Memo to Chairman Hart