

**CITY OF MADISON  
OFFICE OF THE CITY ATTORNEY  
Room 401, CCB  
266-4511**

Date: August 19, 2015

**MEMORANDUM**

**TO:** Alcohol License Review committee  
**FROM:** Assistant City Attorney Jennifer Zilavy  
**RE:** B.A.T., Inc. Conviction Report

Madhatters  
322 W. Gorham Street  
Madison, WI 53703

On or about August 6, 2015, pled "no contest" to Eighteen counts in a thirty-one (31) count complaint filed in Madison Municipal Court. Thirteen counts were dismissed.

**Dates of Violation: September 6, 2013  
August 22, 2014**

Offense: Unlawfully exceeded lawful occupancy capacity

Tavern safety checks were performed by Madison Police on the above dates. The capacity for Madhatter's first floor is 50 and the capacity for the second floor is 150.

On September 6, 2013, Madison Police Officers counted 256 people on the second floor and found the first floor to be at capacity. Madhatters was 36% over lawful capacity on September 6, 2013.

On August 22, 2014, Madison Police officers counted 258 people on the second floor and found first floor to be at capacity. Madhatters was 54% over lawful capacity on August 22, 2014.

Maximum demerit point assessment for capacity violations is 50 points per count (25 for simple over capacity or 50 for 30% or more over)

**Dates of Violation: March 9, 2013 (4 counts underage on premise)  
March 15, 2013 (1 count underage on premise)  
July 7, 2013 (4 counts underage on premise)  
September 8, 2013 (4 counts underage on premise)  
August 22, 2014 (5 counts underage on premise)  
August 20, 2013 (1 count underage on premise)  
August 28, 2014 (2 counts underage on premise)**

Maximum demerit point assessment for underage on premise violations is 50 (10 points per date).

**Dates of Violation: March 9, 2013 (1 count sell to underage)  
September 8, 2013 (1 count sell to underage)**

Maximum demerit point assessment for selling to underage is 50 (25 per count).

Total maximum demerit point assessment for this case is 200.

Forfeiture of \$8314 paid.

Staff has regularly attended Tavern Safety Training.

Two ALERT meetings in past 4 years.

Prior prosecutions: February 2003: 12 counts permitting underage on premise. \$2642 forfeiture and 5 days suspension.

November 2008: 1 count underage on premise (\$172 forfeiture)

Permit Underage on premises – 4 counts 6/1999 (\$867.25 forfeiture).

Formal expression of concern in August 1993.

Various other prosecutions in 1992, 1993, 1994 and 1996.