

CITY OF MADISON, WISCONSIN

REPORT OF THE CITY ATTORNEY

AUTHOR: Kevin B. Ramakrishna
Assistant City Attorney

DATED: May 28, 2013

TO THE MAYOR AND COMMON COUNCIL:

RE: Recommendation to Place on File Without Prejudice: Motion by John W. Moore for a resolution to revoke the Non-Alcoholic Beverage and Food Licenses for State Street Brats at 663 State Street.

John W. Moore's motion requests that State Street Brat's Food and Beverage license be revoked and that State Street Brats pay him \$2,000 for alleged discrimination and obstruction. The motion requests that the matter be referred to the Alcohol and Liquor Review Committee (ALRC) to investigate his claims. However, the action requested is not within the authority of the Common Council, and the ALRC is not the proper authority to investigate.


Mr. Moore's request provides an overview of an incident occurring on January 3, 2013. On that date, he states that he was present at State Street Brats drinking a non-alcoholic beverage when he was obstructed from finishing the drink during normal business hours. The motion does not contain details as to how he was obstructed. He asserts that the decision by the establishment was made based on his race and that the decision was "arbitrary discrimination."

Madison General Ordinances Chapters 7 and 9 relating to Public Health and Licensing and Permits, respectively, do not contain provisions for investigating claims as to civil rights violations occurring in restaurants. Furthermore, there is no provision for suspending or revoking a food and beverage license or permit for discriminatory acts against customers. Lastly, since this matter does not involve alcohol, the ALRC is not an appropriate investigative body. However, Chapter 39 of the Madison General Ordinances does allow for race based discrimination complaints in public accommodations.

The City Attorney's Office has contacted the Department of Civil Rights in reference to this motion, and if Mr. Moore wishes to pursue the matter further, he can file a complaint with the Equal Opportunities Division.

There is no further action the City can take in this matter at this time, and the City Attorney recommends that the matter, under this file number, be placed on file without prejudice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin B. Ramakrishna', with a long horizontal flourish extending to the right.

Kevin B. Ramakrishna
Assistant City Attorney