

February 13, 2024

Dear Members of the Madison Common Council,

As a member of the Alcohol License Review Committee, I'm taking the unusual step of urging you to reject a recommendation *from* the ALRC. I believe you should refer the Change of Licensed Conditions for MacTaggart's back to the ALRC with guidance on how to resolve it.

MacTaggart's came to ALRC last month asking for a change to their license, so they'd be able to sell a new product category of hard cider. Instead of *changing* the condition that prevented sales of this product we *removed* that condition. This is bad for 2 reasons:

1. It allows the sale of many other products that we don't want to allow.
2. It creates a loophole with another condition on the same license, allowing sales of portions that are currently explicitly prohibited.

None of this is about MacTaggart's. It's about setting a dangerous precedent. We're likely to see more cases of this product category soon, and we need a solution to apply uniformly.

During deliberation on this item, some ALRC members said that they trusted this applicant. I think it's important to distinguish between two kinds of trust:

1. We're going to let you stay open late because we trust you not to be loud late at night.
2. We're going to let you sell hard liquor because we trust you not to sell hard liquor.

The first of these is necessary and proper. The second is unnecessary and inappropriate. If the city doesn't want a store to sell hard liquor, we need a license condition not a handshake.

I hope the Common Council gives ALRC the opportunity to rectify this mistake. If not, the city is likely to see challenges in the coming months when we either apply this policy uniformly - letting stores sell things we don't want them to - or we treat some licensees inequitably.

If you do refer this back to us, please include guidance that we should put in the necessary time and effort to craft a uniform condition that we can apply to any license to allow sales of new product categories.

Sincerely,
Michael Donnelly
Chair, Alcohol License Review Committee