

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

Date: August 20, 2013

MEMORANDUM

TO: Members of the City of Madison ALRC

FROM: Jennifer Zilavy, Assistant City Attorney

RE: ALDO Staff Team Recommendations Regarding Enforcement Process

The Staff Team met over a period of several months and came up with several recommendations to amend Chapter 38 of the Madison General Ordinances. One recommendation was to improve and simplify the liquor license point system. The current ordinance setting forth the point system was written and adopted nearly 30 years ago. The City Attorney's Office will be amending that ordinance to simplify the point system and make it easier to understand how the point system works, what potential consequences will be for point accumulation, and when and how those consequences will be administered. There will also be the addition of certain safety violations to the point system (disorderly conduct/disorderly house type violations) and possibly a penalty enhancer for certain public safety related incidents.

There will be new language which will speak to liquor license renewals and a protocol of separating licenses at renewal time based upon accumulation of points during the previous liquor licensing year. This will be an objective standard based upon point accumulation. This will not preclude other types of separations, but it will be very helpful to the renewal process to have this type of automatic separation based on objective criteria.

The amended ordinance will also address the issue of transfer/sale of a licensed business and whether and how any accumulated points affect a new licensee.

The point system is part of a system of progressive discipline. To that end, it makes sense to add incentives to the system for liquor license establishments that may have accumulated points but are cooperative and diligent about correcting management issues that may have contributed to the point violations. The idea would be that if an establishment is subject to point assessment, they may be eligible for point reduction for attending tavern safety training and/or participating in a responsible retailing program or engaging in other programs or initiatives that show good faith in being a responsible liquor establishment.

The City Attorney's Office will also work to develop a system of formal monthly reporting to the ALRC of point accumulations for each month and other enforcement

related actions that have been taken against licensed establishments in a particular month. The report will be generated monthly whether there are any point accumulations and/or other enforcement actions or not. That way, the ALRC will be assured that they are not missing any information.

The City Attorney's Office will also look into how to formalize the review process for new liquor license applications so that a complete history of all applicants is presented to the ALRC, e.g., point violation under any previous license, history of police calls, etc. Currently, this information comes before the committee in a somewhat random fashion. It would be helpful if the committee knew that the application review process included review of prior disciplinary action and other information relevant to decision making on the new application.

These amendments will be presented to the ALRC at the September 2013 meeting. I would encourage you to use Wednesday's meeting (August 21) to offer your input and suggestions as to what you feel may be useful to include in the amendments so that I can consider and/or include those suggestions in the draft which will allow for efficient consideration of the amendments that will be before you at the September meeting and will eliminate back and forth referral.