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17 March 2009

VIA E-MAIL

Members of the Alcohol License Review Committee  
c/o City Clerk's Office, City of Madison  
Room 103  
City-County Building  
210 Martin Luther King Jr. Blvd.  
Madison, WI 53703

Re: License Application for Dirty Dog Neighborhood Saloon  
6654 Mineral Point Road, Madison

Dear Members:

We hereby withdraw our license application for a Class B Combination Alcohol Beverage License for the above premises. As you may recall, at your meeting of February 18, 2009, this matter was referred to the meeting of March 18, 2009 for further consideration. In addition to this formal action to withdraw the application before you, permit me to express some deep concerns I had with the process that resulted in the referral, as well as our ultimate decision to withdraw the license application under the circumstances.

First, the Chair provided the applicant with a mere three minutes to make an initial presentation before the Committee with respect to this proposal. As many of you are mightily aware, three minutes is not sufficient time to thoroughly review, as well as present, the many components of an alcohol beverage license. Of additional concern is the fact that the Clerk's standard letter, sent out to all applicants about their impending meeting, is the statement, "Please be prepared to give a five to ten minute presentation containing the following information:". While even five to ten minutes in a number of circumstances is inadequate time to make the proper presentation, being arbitrarily restricted by the Chair at that meeting was highly inappropriate.

While I fully appreciate and understand that the work of the Committee requires independent assessment and evaluation of a license application, I was appalled that initially a motion to refer the license to the March meeting was not even granted the courtesy of a second by someone other than the mover. It is particularly distressing that that display of lack of

consideration came on the heels of positive support from the Alcohol Policy Coordinator, the Police Department, the Alder of the District and a number of speakers who took of their personal time and attention to speak in favor of this license application. As you may recall as part of our presentation, we indicated to you that we had held three separate meetings with members of the Neighborhood Association, the condo associations and the broader neighborhood. At those three meetings, all participants were advised as to the date and time of the Alcohol License Review Committee meeting and were invited to show up if they either supported or wished not to support this license application. As your record discloses, not a single individual chose to stand before you to express concerns in public about that license application. Never in my years of practice before the ALRC can I recall a circumstance similar to this.

I am also greatly distressed that apparently third-party individuals made allegations regarding the behavior of the license applicant in other settings which purportedly had a bearing upon his capacity to be able to run a responsible alcohol beverage licensed premises. When asked about such allegations in an open forum setting, without being provided any of the explicit details regarding the allegations, an effective and honest response is not possible. When there is insufficient information from which to respond, the innuendo lives and grows. The member who raised the issue was subsequently apprised of material rebutting the accusation but that doesn't rid the water of the poison caused by the accusation in terms of the ALRC's action on February 18. Such innuendo should never be the basis for judgment on something as significant to a business operation as the granting of an alcohol beverage license. Proceeding in that fashion flies in the face of fundamental fairness.

Permit me to also express concern about one of the members who made it abundantly clear that he was strongly opposed to this license application, the apparent opposition resulting from his personal views about how the client's prior operation was conducted on the Square. The record of this prior operation was a good one, as was articulated at the time of the meeting. The personal judgment of this Committee member, however, was colored by his own perceptions and the fact that he blamed any and every element of disorder occurring in the 10 block of West Mifflin Street to be the responsibility of this license holder when there are a number of other commercial establishments in the same block. Making personal judgments like that is not an act of discretion which is what we all hope to see on the part of individuals placed in important public policy positions.

Permit me to also add that the most significant event which caused us to withdraw this application was the action of one of your members on her own to solicit additional commentary from the neighborhood subsequent to the ALRC meeting, which meeting then apparently resulted in the coalescing of strong opposition to this license application. We have no way of knowing what was said, nor do we have a real opportunity to rebut statements made or positions taken at a closed, private meeting between one of your own and apparently hostile

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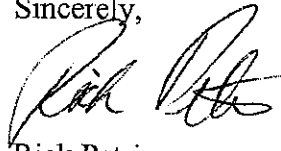
members of the neighborhood. Those same individuals had been advised that this matter was being considered at your meeting of February 18 and chose not to bring their concerns for your consideration and review to the Committee in a public setting, at which point we would have had an opportunity to rebut those allegations.

We all know that there will never be an application for an alcohol beverage license which will not engender some negative response from people in the vicinity or the broader community. There are people in the community who will oppose every alcohol beverage license, there are people in the community that look at alcohol as a social evil and there are people in the community that associate smoking with alcohol and are adamantly opposed to both activities.

Having stated that, who speaks for the community at large? Who speaks for economic development? Who evaluates the economic (and tax) costs of keeping a piece of commercial property vacant? What deference should be shown to a location which has had non-problematic alcohol licenses for nearly three decades? Who speaks for those who will not be employed and for the dollars lost in property taxes?

I repeat that we hereby withdraw this license application and ask you to thoroughly review your policies, practices and procedures to avoid in the future this kind of flawed and tainted review and analysis. Thank you for your time and consideration.

Sincerely,



Rick Petri

RP:smh  
083413

ALRC It

cc: Alderman Mark Clear  
Bruce Bosben  
Joel Plant, Mayor's Office  
Kami Eshraghi