

33 East Main Street
Suite 500
Madison, WI 53703-3095

Mailing Address:
P.O. Box 2038
Madison, WI 53701-2038

Phone:
608.257.7181

Fax:
608.257.2508

www.murphydesmond.com

Marinus (Rick) J.W. Petri
Direct Line 608.268.5574
Facsimile 608.257.2508
rpetri@murphydesmond.com



17 October 2007

Madison Alcohol License Review Committee

Re: Alcohol Beverage License Application for Capitol Centre Foods
111 N Broom Street, Madison, Wisconsin

Dear Committee Members:

We represent an alcohol beverage license holder who holds a Class A license in downtown Madison. We voice concerns about this application, not from a competitive perspective, but rather from the perspective of providing a level playing field for all existing license holders in the downtown area who possess Class A licenses.

We are not necessarily suggesting a recommendation to the Common Council of rejection of this license, but rather that the Committee consider recommending license conditions whose purpose would be to decrease the problems attendant with the sale of alcohol and not to increase the currently existing availability of alcohol, particularly to troubled segments of the population.

Capitol Centre Foods, as it has been run, is undeniably a grocery store. While grocery stores commonly do hold Class A licenses, they operate very much as a Class A liquor store under certain circumstances. It is our position that license conditions normally attending Class A licenses in the downtown area should also apply to licensees granted Class A licenses who operate as grocery stores.

We note that the application description includes the entire premises with no limitations as to the space or areas which may be devoted to the storage, display and sale of alcohol beverages. Without such a restriction, the licensee would be free to devote all of its space to alcohol products. In addition, the applicant proposes the addition of wine to a license which is presently restricted to beer only. This would have the effect of increasing the availability of alcohol beverages in the downtown area despite the City's recent adoption of an Alcohol License Density Plan designed to hold steady, if not restrict, the availability of alcohol in the downtown area.

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Be mindful too that grocery stores are not restricted with respect to their hours of operation, although they are restricted to the sale of alcohol during certain hours of operation which apply equally to all Class A license holders. Nonetheless, the possibility exists that sales could be made outside of the legally designated time periods simply because of its availability, accessibility and the fact that the store is open.

We also have concerns with respect to the possibility of delivery of alcohol beverages from the licensed premises. We respectfully suggest that if deliveries are permitted, that restrictions regarding delivery be placed on the license to ensure that the product is going to a lawful purchaser and only under conditions under which payment has already been made prior to the time of delivery.

We regret that other commitments make it impossible for us to be there so that you would have an opportunity to question us regarding our position but it is our sincere hope that you do take these comments into consideration when considering this license application

Sincerely,

Rick Petri

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