

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

Date: August 19, 2015

MEMORANDUM

TO: Alcohol License Review committee
FROM: Assistant City Attorney Jennifer Zilavy
RE: State Street Brats Conviction Report

State Street Brats
603 State Street
Madison, WI 53703

On or about May 18, 2015 pled "no contest" to three counts in a three-count complaint filed in Madison Municipal Court.

Date of Violation: March 26, 2015

Offense: Unlawfully exceeded lawful occupancy capacity

A tavern safety check was conducted at approximately 8:20 p.m. on March 26, 2015. Madison Police counted 317 people on the first floor of State Street Brats. The lawful capacity for the first floor is 250. Madison Police counted 421 people on the second floor of State Street Brats. The lawful capacity for the second floor is 200. State Street Brats exceeded its capacity by 64%. Owner Kelly Meuer was informed of the capacity numbers and he stated he was sorry and stated something to the effect of "we dropped the ball."

Maximum demerit point assessment for this count: 50 points (25 for simple over capacity or 50 for 30% or more over)

Date of Violation: April 4, 2015

A tavern safety check was conducted at approximately 8:00 p.m. on April 4, 2015. Madison Police counted 266 people on the second floor. The second floor capacity is 200. State Street Brats exceeded lawful capacity by 33%.

Maximum demerit point assessment for this count: 50 points (25 for simple over capacity or 50 for 30% or more over)

Date of Violation: April 6, 2015

A tavern safety check was conducted at approximately 8:30 p.m. on April 6, 2015. Madison Police counted 315 people on the first floor of State Street Brats. The lawful capacity for the first floor is 250. Madison Police counted 214 patrons on the second floor. The lawful capacity for the second floor is 200. State Street Brats exceeded lawful capacity by 17%. Officer Magolan found the rear door to Brats unlocked and unstaffed and people were entering the bar via the rear door without staff's knowledge.

Maximum demerit point assessment for this count: 25

Total maximum demerit point assessment for this case is 125.

Forfeiture of \$1172 paid.

Staff has attended Tavern Safety Training.

No prior prosecutions for capacity violations. No ALERT meetings.

Prior prosecutions in August 2003 and November 2003 for permitting underage on premise (4 counts total)

Prior prosecution in 2008 for being open after hours.