

4011 Durand

Johnson-Martin, Janice

From: Weber, Robert
Sent: Wednesday, June 25, 2008 2:06 PM
To: Shakoor, Q.A.; Wisneski, Aron; Kaplan, Jim; Mozol, Robert; McCarthy, Terry
Cc: Johnson-Martin, Janice; Holding, Greg
Subject: City of Racine

Dave:

Dear Mr. Koenig:

Thank you for your prompt response following the Public Safety and Licensing Committee meeting this past Monday. You may want to confirm the following information with your counsel, but I believe it to be accurate.

Section 125.07(1)(a)2. of the Wisconsin Statutes reads as follows:

"No licensee or permittee may sell, vend, deal or traffic in alcohol beverages or with any underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age."

Section 125.12 of the Wisconsin Statutes gives municipalities the authority to suspend a license for not less than 10 days nor more than 90 days, or to revoke a license if a person (licensee) violates Chapter 125 (inclusive of 125.07(1)(a)2. above), following a due process hearing.

As you are aware from the meeting, the store has had 2 sales to underage persons within a 12 month period, which is a violation of the Statutes and the City's conforming code sections, and which would give the Public Safety and Licensing Committee—inasmuch as those sales were uncontested in court—grounds to move forward with a due process hearing if it so chose.

Instead, the Committee directed my office to attempt to work out an agreement with your company if possible. Naturally, the City is concerned that all licensees, whether individuals or corporations, be treated equally. In July of 2007, Mr. Helvic (the manager of the store on Erie Street in Wisconsin) furnished me with a policy manual utilized in orientation, the policy on underage sales sent home with each employee, the sanction forms signed by employees, and the acknowledgement form. In addition, he assured me that the Company has a periodic review with all cashiers regarding their compliance.

Quite frankly, the documents referenced above are model policies and procedures. Nevertheless, they did not prevent the sales at your Company's Durand Avenue location.

I am therefore suggesting as a resolution of this matter that you consider one of the following two alternatives:

- (1) Voluntarily suspend sales of alcoholic beverages at the Durand Avenue store for one day—a day of your choosing in July of 2008; or
- (2) That the Company initiate a program such as that described at the meeting by another retail establishment, under the terms of which you would contract with a business that does the same types of checks that our police department does on a random basis—in other words, sending in an underage person to attempt to purchase alcohol. You would not be required to turn over the results of those compliance checks to us, but simply to confirm that you have instituted such a program and the name of the agency you choose to contract with.

In the event one of these alternatives is not acceptable to you, please let me know so that I can inform the Committee and the Committee members can decide whether or not they wish to institute due process proceedings. Thank you for your consideration. Rob Weber

6/25/2008