

BAR LOSES LICENSE FROM FIGHTS BETWEEN EMPLOYEES AND PATRONS



A popular bar for the college crowd in Wisconsin lost its liquor license after numerous altercations between employees and patrons. A lawsuit followed, declaring a Wisconsin statute that the bar had allegedly violated as “unconstitutionally vague.” The Nasty Habit was a trendy bar in Eau Claire, WI. In 2005, there were various disturbances involving inebriated patrons and fights between employees and customers. A representative of the Nasty Habit met with city officials, who were concerned about the bar’s employees not wearing uniforms and the bar failing to train employees or maintain a customer head-count. The rep agreed to certain changes. Later that year, there was another incident involving a raucous customer and Nasty Habit staff. The City sent a letter to the bar, stating that it was a “disorderly house” as per a Wisconsin statute’s definition. The statute stipulates that a liquor license can be revoked if the license holder “keeps or maintains a disorderly or riotous, indecent or improper house.” The letter noted that improvements had not been made, despite the agreement to do so, and offered the bar the option of voluntarily closing its doors for three weeks. Otherwise, the City would seek



suspension or revocation of the bar’s license. The bar’s rep rejected the proposal of a temporary suspension. The next couple of months saw a bar patron wind up in the hospital for detoxification and another fight involving customers and staff. The City issued a summons and complaint, citing eight incidents that had occurred between November 2003 and February 2006. Most of these incidents took place in 2005, all of which required police intervention. The City Council held an administrative hearing and revoked the Nasty Habit’s alcohol license. The revocation was appealed, but later dismissed so that the bar business could be sold. The rep filed a lawsuit against the City, alleging retaliation, denial of equal protection and violations of due process. The district court granted summary judgment in favor of the City, and the rep appealed the charge of due process violations. He argued that compliance with the statute wasn’t feasible due to its vague language. The appeals court acknowledged that statute doesn’t clearly explain its wording, such as “disorderly” and “riotous.” But its purpose of maintaining public health is clear, and appellate judges detailed a “pattern of violent and disruptive behavior,” including a bar employee hiding underage girls during a bar check by police, an employee not responding to police and subsequently being tasered, an employee being arrested, and employees punching and kicking customers – one patron was put in a chokehold. Both the district and appeals courts viewed the incidents at the Nasty Habit as undeniably “disorderly” and could easily be defined as “riotous, indecent [and] improper,” all of which would be violations of the statute. The appeals court affirmed the district court’s grant of summary judgment.