
CITY OF MADISON,

Plaintiff,

COMPLAINT

vs.

Bull Feathers, Inc.
dba Bull Feathers
Richard Lyshek, agent
303 N. Henry St., #1
Madison, WI

Respondent.

NOW COMES the City of Madison by Jennifer Zilavy, Assistant City Attorney, and alleges as follows, that:

1. The complainant, Assistant City Attorney Jennifer Zilavy, is an adult resident of the City of Madison, with a business address of 210 Martin Luther King Jr. Blvd., Madison, Wisconsin, and at all times material to this action, she has been an Assistant City Attorney for the City of Madison.

2. The respondent herein, Bull Feathers, Inc., Richard Lyshek, agent, is the alcohol beverage licensee doing business as Bull Feathers, 303 N. Henry Street, #1, Madison, Wisconsin, according to documents filed with the City Clerk of the City of Madison.

3. The Common Council of the City of Madison granted a Class B Combination Alcohol Beverage License to Bull Feathers, Inc., Richard Lyshek, agent for the premises located at 303 N. Henry Street, #1, Madison, Wisconsin, for the period July 1, 2006 through June 30, 2007. At all times alleged in this complaint, Respondent was the holder of a Class B Combination Alcohol Beverage License issued by the City of Madison.

On information and belief, the licensee, under the City of Madison Class B Combination Alcohol Beverage License for the retail sale of alcohol beverages, at the premises known as Bull Feathers, 303 N. Henry Street, Madison, Wisconsin, has accumulated in excess of 200 points of alcohol beverage ordinance violations rendering any issuance of a Formal Expression of Concern, within the meaning of Sec.28.10(4)(d),Madison General Ordinances, inapplicable, to wit:

FIRST COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Stephen J. Matthews, d/o/b 3/09/1987, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

SECOND COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Marc P. Zazzaro, d/o/b 3/24/1987, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

THIRD COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Lindsey Catherine Knox, d/o/b 4/3/1987, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

FOURTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Alexandra R. Kumin, d/o/b 7/15/1987, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

OR: 06-312141

Facts: On March 24, 2006, at approximately 1:00 a.m., Madison Police Officers Angie Dyhr and Ryan Orvis were conducting a routine bar check at Bull Feathers, 303 N. Henry Street,

Madison, where they identified the following individuals on the licensed premise: Stephen J. Matthews, d.o.b. 03/09/1987; Marc P. Zazzaro, d.o.b. 03/24/1987; Lindsey Catherine Knox, d.o.b. 04/03/1987 and Alexandra R. Kumin, d.o.b. 07/15/1987. Matthews, Zazzaro and Knox told Officer Dyhr that they did not have ID's and that they had gotten into the bar without being carded. Knox stated she got into the bar because one of the bouncers is her friend. Kumin handed Officer Orvis a Wisconsin photo driver's license indicating an age of 21 in the name of Brittany Weatherwax. Officer Orvis concluded that the photo on Weatherwax's ID did not resemble Kumin.

FIFTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Nisa L. Herget, d/o/b 3/14/1987, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

SIXTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Amanda M. Larsen, d/o/b 1/31/1986, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

SEVENTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Chelsea G. Loy, d/o/b 4/7/1986, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

OR: 06-68602

Facts: On June 16, 2006, at approximately 1:15 a.m., Madison Police Officers Ryan Orvis, Kraig Knutson and Mark Allen conducted a routine bar check at Bull Feathers, 303 N. Henry Street, Madison. Officer Orvis contacted a female identified as Nisa L. Herget, d.o.b. 03/14/1987, inside Bull Feathers. Herget told Orvis she got into Bull Feathers without anyone asking her for identification. She produced her Wisconsin photo driver's license for Officer Orvis and she let Officer Orvis search her purse and he did not find any fake or illegal ID's in her purse. Officer Knutson contacted a female identified as Amanda M. Larsen, d.o.b. 01/31/1986, inside Bull Feathers. Larsen denied having any fake or illegal ID's with her and Officer Knutson did not find any when he searched her purse. Larsen stated that she got to Bull Feathers around 11:45 p.m. and that there was no one carding at the door. Larsen stated that while she was in Bull Feathers she had one beer and one Long Island Ice Tea. Officer Allen contacted a female identified as Chelsea G. Loy, d.o.b. 04/07/1986. Loy stated that she did not have a fake ID and that a bouncer had let her in. Officer Allen searched her billfold and did not find any fake ID's. Loy stated that she had two (2) to three (3) beers while inside Bull Feathers.

EIGHTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Lindsey D. Kramer, d/o/b 2/19/1987, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

NINTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Lauren A.F. Rollins, d/o/b 2/24/1987, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

OR: 06-108441

On September 8, 2006, at approximately 12:05 a.m., Madison Police Officers Ryan Orvis and Kraig Knutson were conducting a routine bar check at Bull Feathers, 303 N. Henry Street, Madison. Officer Orvis contacted an identified a Lindsey D. Kramer, d.o.b. 02/19/1987, inside Bull Feathers. Kramer indicated she had a fake ID on her and she gave it to Officer Orvis. The ID was a Wisconsin photo driver's license of a Mary Yelk. Officer Orvis observed that the photo on Yelk's driver's license looked nothing like Kramer. Kramer stated she gave the bouncer Yelk's ID to get into the bar. Officer Knutson contacted a female identified as Lauren A.F. Rollins, d.o.b. 02/24/1987, inside Bull Feathers. Rollins stated that she was with her friends and that her friends asked the bouncer if they would let her in and the bouncer said "yes" and let her in.

TENTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Kristina Howard, d/o/b 10/15/1985, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

ELEVENTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Stella T.R. Rafaelidys, d/o/b 1/8/1988, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

TWELFTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Christine M. Paniker, d/o/b 11/11/1987, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more

than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

THIRTEENTH COUNT: Unlawfully sell, vend, deal or traffic in alcohol beverages to or with an underage person not accompanied by parent, guardian or spouse who has attained the legal drinking age, to wit: Kristina Howard, d/o/b 10/15/1985, contrary to Section 38.04(1)(a)2. of the Madison General Ordinances and upon conviction thereof shall be subject to a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees

FOURTEENTH COUNT: Unlawfully sell, vend, deal or traffic in alcohol beverages to or with an underage person not accompanied by parent, guardian or spouse who has attained the legal drinking age, to wit: Stella T.R. Rafaelidys, d/o/b 1/8/1988, contrary to Section 38.04(1)(a)2. of the Madison General Ordinances and upon conviction thereof shall be subject to a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees

FIFTEENTH COUNT: Unlawfully sell, vend, deal or traffic in alcohol beverages to or with an underage person not accompanied by parent, guardian or spouse who has attained the legal drinking age, to wit: Christine M. Paniker, d/o/b 11/11/1987, contrary to Section 38.04(1)(a)2. of the Madison General Ordinances and upon conviction thereof shall be subject to a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees

SIXTEENTH COUNT: Unlawfully permit an intoxicated person to be on the premises in which alcohol beverages are sold, in violation of Sec. 38.04(2)(a)3. of the Madison General Ordinances, for which the penalty is a forfeiture of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

OR: 06-111658

On September 14 at approximately 11:46 p.m. and September 15, 2006, at approximately 12:01 a.m., Madison Police Officers Kraig Knutson, Carrie Hemming and Adria Ehly were conducting a routine bar check at Bull Feathers, 303 N. Henry Street, Madison. Officer Knutson contacted a female identified with an Illinois photo driver's license as Kristina Howard, d.o.b. 10/15/1985. Howard stated that a bouncer let her into the bar. Howard told Officer Knutson that she did not have any false ID's on her and she gave Officer Knutson consent to search her purse. Officer Knutson searched Howard's purse and did not find any false ID's. Howard told Officer Knutson that while in Bull Feathers she had two (2) shots of Goldschlager and one (1) bottle of Miller Lite. Officer Hemming contacted a female exiting Bull Feathers because the female appeared to be under the age of 21 and also appeared extremely intoxicated. Officer Hemming asked the female, later identified as Stella T.R. Rafaelidys, d.o.b. 01/08/1988, for identification. Rafaelidys gave Officer Hemming an Illinois photo driver's license in the name of Elizabeth J. Falbo. Officer Hemming noted that the picture on Falbo's license did not look like Rafaelidy. Officer Ehly was informed that there were several females in the rest room of Bull Feathers and

that the Sergeant on the scene, McCaw, wanted to know if they were underage. Officer Ehly entered the restroom and spoke with a female later identified as Christine M. Paniker, d.o.b. 11/11/1987. Officer Ehly observed that Paniker had vomit on her chin, cheeks and the front of her clothing. Officer Ehly observed that Paniker smelled strongly of alcohol and vomit and that she could hardly stand up. Paniker told Officer Ehly that she had been drinking in her dorm room. Paniker was then transported to the Dane county detoxification facility due to her level of intoxication.

SEVENTEENTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Hannah Marie Moos, d/o/b 8/28/1986, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

OR 06-115461

Facts: On September 23, 2006, at approximately 12:45 a.m., Madison Police Officer Carrie Hemming was conducting a routine bar check at Bull Feathers, 303 N. Henry Street, Madison. Officer Hemming contacted a female later identified as Hannah Marie Moos, d.o.b. 08/28/1986 inside Bull Feathers. Moos originally handed Officer Hemming a Wisconsin photo driver's license with the name Heather Bower on it. Officer Hemming concluded that Bower's photo did not look like Moos. Moos then admitted to being underage.

EIGHTEENTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Kelly Lynne Peterson, d/o/b 9/23/1986, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

NINETEENTH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Emily G. Budd, d/o/b 7/20/1987, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

OR: 06-82862

Facts: On July 15, 2006, at approximately 11:40 p.m., Madison Police Officers Kraig Knutson and Ryan Orvis were conducting a routine bar check at Bull Feathers, 303 N. Henry Street, Madison. Officer Knutson made contact with a female who appeared to be under the age of 21. The female, later identified as Kelly Lynne Peterson, d.o.b. 09/23/1986, told Officer Knutson that she entered Bull Feathers without being asked for identification. Peterson told Officer Knutson that she knew the bouncer, Kevin Spears and that it was possible that he knew she was

under the age of 21. Peterson admitted to having drunk a rum and coke while in Bull Feathers. While inside Bull Feathers, Officer Orvis contacted a female identified as Emily G. Budd, d.o.b. 07/20/1987. Budd stated that she had no form of ID on her person and admitted that she was 18 years old. She stated that she entered the bar without anybody identifying her. Officer Orvis searched Budd's pockets and did not find any type of fake identification on her.

TWENTIETH COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Megan Marshall, d/o/b 9/29/1986, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

TWENTY-FIRST COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Nolan Polley, d/o/b 1/2/1986, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

TWENTY-SECOND COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Alexa D. Siker, d/o/b 9/10/1986, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

TWENTY-THIRD COUNT: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Sabrina D. Siker, d/o/b 9/10/1986, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

OR: 06-79202

Facts: On July 8, 2006, at approximately 12:22 a.m., Madison Police Officers Kraig Knutson and Anthony Fiore were conducting a routine bar check at Bull Feathers, 303 N. Henry Street, Madison. Knutson noted that a group of individuals inside the bar appeared nervous by the police officers' presence. Officer Knutson contacted an individual in that group who was later identified as Megan Marshall, d.o.b. 09/29/1986. Officer Knutson asked Marshall for her ID and she handed him and ID with the name of Amy Warman. Officer Knutson did not think the photo on the ID Marshall handed him resembled Marshall. Marshall admitted that she was only 19 years old and that she used Warman's ID to enter the bar. Marshall also admitted to Officer Knutson that while she was in Bull Feathers she consumed approximately four (4) Miller Lite beers.

Officer Knutson also made contact with a male, later identified as Nolan Polley, d.o.b. 01/02/1986. Polley handed Officer Knutson a Kentucky driver’s license with the name Michael Elliot which indicated a date of birth of 09/17/1981. Officer Knutson did not think the photo on Elliot’s ID resembled Polley. Polley told Officer Knutson that he drank approximately six (6) beers inside Bull Feathers that night.

Officer Anthony Fiore contacted two females inside Bull Feathers who appeared to him to be under the age of 21. The females were identified as Alexa D. Siker, d.o.b. 09/10/1986 and Sabrina D. Siker, d.o.b. 09/10/1986. Both females stated that they used their UW Madison photo ID cards to enter the bar. The Sikers stated that they had not had any alcohol to drink while in Bull Feathers.

NOW, THEREFORE , for the above stated reasons, the Complainant demands that the Common Council of the City of Madison revoke or suspend the combination Class B license to sell fermented malt beverages and intoxicating liquors issued to Bull-Feathers, Inc., Richard Lyshek, agent, 303 N. Henry Street, Madison, WI, pursuant to Sec. 38.10(1)(a), Madison General Ordinances.

STATE OF WISCONSIN)
) ss.
 COUNTY OF DANE)

City of Madison Assistant City Attorney, Jennifer Zilavy, being duly sworn on oath, states that she has read the foregoing Complaint against Bull Feathers, Inc. and that the statements are believed to be true of her own knowledge, except those which are stated upon information and belief, and as to such matters, she believes them to be true as they are based upon reports by Madison Police Officers filed pursuant to their official duties.

Jennifer Zilavy
 Assistant City Attorney

Subscribed and sworn to before me
 this _____ day of March, 2003.

Notary Public, Dane County, Wis.
 My Commission expires: _____