

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

Date: August 14, 2017

MEMORANDUM

TO: Mayor Paul Soglin
All Alders

FROM: Michael P. May
City Attorney

RE: Rocky's Liquor West, Legistar No. 47948

At the Common Council meeting of August 1, 2017, this matter was referred to the September 5 meeting. This matter is a request to modify conditions on an alcohol license. The ALRC recommended that the matter be placed on file.

At that August 1 meeting, questions came up about the status of a complaint against the licensee for violations of the conditions on the liquor license and other legal requirements. I was aware at that time only that a complaint was in process.

Enclosed with this memorandum is a copy of the complaint, filed on August 10, 2017, in Madison Municipal Court, Case no. 17MOR3468. Also enclosed are police reports that formed the basis of the complaint. Because the matter is in litigation, I will not comment on the substance of the complaint except as it relates to the pending request that the license conditions be removed. I note that the licensee has been served with the complaint and has retained an attorney with Godfrey & Kahn to represent it on this matter.

The time to file the complaint is well within reasonable professional standards. The police reports were not completed until March, 2017. Those reports were reviewed, and the long form complaint was prepared, filed and served in August, less than 5 months after the date of the final report. In the interim, the licensee's license was separated in the renewal process in order to give the licensee the ability to propose a plan to address the alleged violations. The plan proposed by the licensee was to remove the conditions that had allegedly been violated.

I request that Lisa Veldran place this memo and the related documents in the Legistar file as attachments. If you have further questions, please contact me or Assistant City Attorney Jennifer Zilavy.

CC: Attorney Nate Zolik, Godfrey & Kahn
Captain Cory Nelson
ACA Jennifer Zilavy