

**From:** [noreply](#)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Red Rooster liquor license non-renewal  
**Date:** Monday, June 2, 2025 4:31:08 PM

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Recipient: All Alders:

Monday, June 2, 2025 – 4:30pm

Susanne Payne

she/her

6791 Village Walk Ln

Deforest, Wisconsin. 53532 No, do not contact me. All Alders Red Rooster liquor license non-renewal I am contacting you in support of my son, Tim Payne, owner of the Red Rooster. I feel this letter is necessary because of the short time frame between the hearing and council meeting resulting in an inability to get an attorney and the limited time during the meeting in which he is allowed to defend himself.

I listened to the licensing committee hearing two times and have several comments about how it was conducted. Attorney McReynolds began by describing that the RR case was different from the "normal" non-renewal hearings and that the procedure would be different: that there would be no testimony or hearing of evidence allowed, only the ability to admit to or deny the facts. The first thing Tim said when he was allowed to speak was that the complaint and summons he received made no mention of this different procedure; he asked if he needed an attorney since it seemed like it was a legal proceeding. This was not addressed by anyone, in fact, Attorney Zilavy ignored it and just repeated that this was a fact-finding meeting and he should just admit or deny the allegations in the complaint. Seems like he should have been alerted to that in advance. In effect, he was forced to incriminate himself unless he lied. (Since when is it ok to lie?) He certainly should have been advised to have legal counsel.

Attorney Zilavy in going through her complaint said: "I would submit that it is likely not the first time this has happened at this establishment and indicates such a gross mismanagement to have this type of behavior going on." This statement is really without real evidence to back it up. She quickly allowed dismissal of the parts of the complaint that Tim denied, giving the impression, along with the listing of the other minor violations, that they were included mainly to pad her complaint. Alder Cole repeated that same theme when she said she believed it was not a one night event and was instead a pattern of disturbing behavior. Tim should have an ability to refute those kinds of claims.

Apparently this case is similar to the Visions case from 2018. Here are some of the charges against Visions in their liquor license review: 58 incidents involving police in 6 years, shooting and stabbing in which 5 people were injured, numerous disturbances, fights, weapons violations, neighborhood complaints, thefts, serving alcohol without operators license, illegally procuring alcohol, and more. The lawyer on the case said this was normal for bars in the area. No way is this comparable to the Red Rooster. The consequence to Visions was a short license revocation. Is the Red Rooster being held up as an example because the shootings and stabbings at Visions did not result in death?

Nick Nesthus, the driver in the fatal accident in December, had an instrumental role in helping the Red Rooster get started - he helped to design and outfit the Red Rooster's kitchen and served as its first chef. Throughout most of the business's history Nick was sober, getting

therapy, and being a better father - trying to put his life back together. During that time Tim and Nick became friends and Nick became a trusted manager despite his past legal offenses. Nick's actions, instead of negligence on Tim's part, was a time when Nick's demons got the better of him. There is no way to have anticipated that things would escalate to the extent they did that night. That is not "a pattern of gross mismanagement".

The RR will have to close or be sold if the licenses are not renewed, with the loss of one the of the best venues in Madison for local and lesser known music, especially outside of the downtown area. Many letters of support from musicians that have performed there. And there are bartenders, kitchen staff and a booking manager who could lose their jobs. Tim will also be out of a job and hit with significant financial loss.

Finally I would like to point out that the financial viability of the business has gradually improved, despite the poor survival rates of new businesses - I would suggest this indicates good management along with community need and support.