

CITY OF MADISON,
Plaintiff,

COMPLAINT

v.

Case No. _____

B.A.T. INC.,
A Wisconsin Domestic Close Corporation
d/b/a: MADHATTERS
c/o: Ted Gervasi, Registered Agent
5754 Modenaire Street
Madison, WI 53711
Defendant.

OFFENSE(S):

**ORDINANCES(S)
VIOLATED:**

(5counts) Exceeding Lawful Occupancy – Patron Capacity	38.13(1)(a)
(3 counts) Licensee Dealing to Underaged Person	38.04(2)(b)
(23 counts) Permit Underaged Person on Premises	38.04(3)(b)1

COMPLAINING WITNESS
Assistant City Attorney Jennifer Zilavy

AGENCY & CASE	13-278771	13-71136	COURT CASE NO.:
NOs.:	13-281385	13-203787	
	14-47634	13-245280	
	14-62696	13-278771	
	14-272461	13-281385	
	13-65467	14-272361	

THE ABOVE-NAMED COMPLAINING WITNESS BEING DULY SWORN STATES THAT THE ABOVE-NAMED DEFENDANT, by its agent, servant or employee, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN, on 9/6/13, 9/8/13, 2/15/14, 3/1/14, 8/22/14, 3/9/13, 3/15/13, 7/7/13, 8/20/13, 8/28/14 at Madhatters, 322 W. Gorham Street, Madison, WI:

As licensee under a City of Madison Class B combination license for the retail sale of fermented malt beverages and intoxicating liquors at the premises known as Madhatters, 322 W. Gorham Street, Madison, WI by its agents, servants or employees did:

FIRST COUNT: Unlawfully exceeded the lawful occupancy capacity of the establishment to wit: exceeded patron capacity by 165, contrary to Sec. 38.13(1)(a), Madison General Ordinances, for which the violation is a forfeiture of not more than One Thousand Dollars (\$1000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On September 6, 2013 at approximately 12:32 a.m., Madison Police Officer Daryl Doberstein of the Central District Community Policing Team and other Madison Police Officers were conducting a Tavern Safety Inspection at Madhatters at 322 W. Gorham Street, Madison, WI.

The Officers entered the establishment and made contact with the bouncer at the door who identified himself as Paul Winge. Winge had a hand-held counter and claimed that there were 172 people in the bar in total. The bar has an upstairs. Officer Doberstein observed that there was no staff member stationed either at the bottom of the stairs nor at the top of the stairs. Officer Doberstein and Sergeant Kleinfeldt went to the upper level and began counting people. Officer Doberstein observed that people were standing shoulder to shoulder and back to chest in various areas upstairs. At the conclusion of the head count Sergeant Kleinfeldt counted 272 people and Officer Doberstein counted 265 people on just the second floor. Sergeant Kleinfeldt and Officer Doberstein also counted people on the first floor and that floor was at capacity. The capacity for the first floor is 50 and the capacity for the upper floor is 150. Madhatters exceeded its lawful occupancy capacity on the upper floor by 165 people. Officer Doberstein informed the manager, Taylor, of the over capacity issues and the lack of supervision regarding capacity. Madison Police Case No. 2013-278771

SECOND COUNT: Unlawfully exceeded the lawful occupancy capacity of the establishment to wit: exceeded patron capacity by 70, contrary to Sec. 38.13(1)(a), Madison General Ordinances, for which the violation is a forfeiture of not more than One Thousand Dollars (\$1000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On September 8, 2013 at approximately 12:49 a.m., Madison Police Sergeant Scott Kleinfeldt and members of the Central District Community Policing Team were conducting a Tavern Safety Inspection at Madhatters at 322 W. Gorham Street, Madison, WI. Upon entering the establishment Sergeant Kleinfeldt made contact with a bouncer he identified from past contacts as Paul. Sergeant Kleinfeldt asked Paul how many people were inside the bar and he responded that he had no idea. Sergeant Kleinfeldt went to the second level of the establishment and observed that it was extremely crowded with people being shoulder-to-shoulder with no space between them. Sergeant Kleinfeldt and Officer Trent Scanlon counted people in the upper level and counted 220 people. The capacity for the second floor is 150. Madhatters exceeded its lawful occupancy capacity on the upper floor by 70 people. Sergeant Kleinfeldt counted a total of four bouncers in the bar. Two were working downstairs and two upstairs. There was no specific bouncer designated to security and the staff was not walking, observing or working the crowd. Sergeant Kleinfeldt noted there were more bartenders on staff than security. Madison Police Case No. 2013-281385

THIRD COUNT: Unlawfully exceeded the lawful occupancy capacity of the establishment to wit: exceeded patron capacity by 62, contrary to Sec. 38.13(1)(a), Madison General Ordinances, for which the violation is a forfeiture of not more than One Thousand Dollars (\$1000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On February 15, 2014 at approximately 1:02 a.m., Madison Police Sergeant Scott Kleinfeldt and other members of the Central District Community Policing Team were conducting a Tavern Safety Inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Sergeant Kleinfeldt and Officer Nick Eull entered the establishment and performed a head count on the first floor. That floor was within legal occupancy capacity. The Officers proceeded to the upper floor and counted 212 patrons. That number is 62 over the legal occupancy capacity for the upper floor which is 150. The upper floor crowd was dense and made it difficult for the Officers to move through at times. Sergeant Kleinfeldt spoke with the manager, identified as Taylor, and she indicated that they did have an employee monitoring occupancy on the upper floor earlier in the evening but that person was pulled from their post when business slowed down. Taylor stated that the post was unmanned from that point forward. Madison Police Case No. 2014-47634

FOURTH COUNT: Unlawfully exceeded the lawful occupancy capacity of the establishment to wit: exceeded patron capacity by 91, contrary to Sec. 38.13(1)(a), Madison General Ordinances, for which the violation is a forfeiture of not more than One Thousand Dollars (\$1000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On March 1, 2014 at approximately 12:36 a.m. Madison Police Sergeant Scott Kleinfeldt and other members of the Central District Community Policing Team were conducting a Tavern Safety Inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Sergeant Kleinfeldt observed one bouncer outside checking IDs and monitoring the line. Sergeant Kleinfeldt went inside the establishment and counted 46 people on the first floor, which was within the occupancy capacity of 50 for the first floor. Sergeant Kleinfeldt observed that there was no one monitoring the stairs to control the upper level capacity. Sergeant Kleinfeldt counted 241 people on the upper level, which is 91 over the lawful occupancy capacity of 150. Sergeant Kleinfeldt observed a total of 3 bouncers (1 at the door and 2 walking around) and counted a total of 4 bartenders. Madison Police Case No. 2014-62696.

FIFTH COUNT: Unlawfully exceeded the lawful occupancy capacity of the establishment to wit: exceeded patron capacity by 108, contrary to Sec. 38.13(1)(a), Madison General Ordinances, for which the violation is a forfeiture of not more than One Thousand Dollars (\$1000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On August 22, 2014, at approximately at approximately 12:55 a.m., Madison Police Sergeant Scott Kleinfeldt and Officers Marine Yoo, Andrew Lewis and Matthew Magolan were conducting a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Sergeant Klinefeldt observed a large crowd outside Madhatters waiting on the sidewalk. He observed two bouncers at the door but no one maintaining or controlling the line of people waiting to get in. One of the bouncers told Sergeant Kleinfeldt there were 200 people inside the bar. The occupancy capacity for the first floor is 50. Officer Kleinfeldt observed that there was nobody monitoring the stairs leading to the upstairs of Madhatters. The upstairs of Madhatters has an occupancy capacity of 150. Sergeant Kleinfeldt found it very difficult to get through the upstairs bar due to the number of people upstairs. People were shoulder to shoulder. Sergeant Kleinfeldt observed choke points that he had previously pointed out to the owner. Sergeant Kleinfeldt counted a total of 258 people upstairs. The lawful occupancy capacity was exceeded by 108 people. Sergeant Kleinfeldt spoke to Kurt, the manager, about the capacity issue and Kurt stated that they were short-staffed and that one of the bouncers called in sick. Madison Police Case No. 2014-272461.

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: S.E. Okras, DOB 7/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On March 9, 2013, at approximately 12:45 a.m., Madison police officer Daryl Doberstein was participating in a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Officer Doberstein observed a female, later identified as S.E. Okras, DOB 7/1993, descend the staircase, place a drink on the bar and attempt to leave. Officer Doberstein believed Okras to be under the age of twenty one (21). Officer Doberstein made contact with Okras and she stated that she knew it was illegal for her to be in the bar and that she had "snuck in" past the bouncers when others were being carded. Okras was cited for Underage Person Enters/Attempts To Enter Licensed Premises. Madison Police Case No. 2013-65467.

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: M.P. Brennan, DOB 9/1992, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

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: Z.M. Shires, DOB 5/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On March 9, 2013, at approximately 12:45 a.m., Madison Police Officer Marine Yoo was participating in a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Officer Yoo observed an individual, later identified as M.P. Brennan, 9/1992, who appeared to be under the age of twenty-one (21). Officer Yoo made contact with Brennan and he stated he was underage and that he had a fake ID. Brennan was cited for Underage Person Enters/Attempts To Enter Licensed Premise. Officer Yoo also contacted an individual identified as Z.M. Shires, DOB 5/1993. Officer Yoo asked Shires how old he was and Shires stated he did not want to answer. Officer Yoo ultimately identified Shires and confiscated his fake ID. Shires was cited for Underage Person Enters/Attempts To Enter Licensed Premises. Madison Police Case No. 2013-65467.

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: S.P. Arieven, DOB 7-1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

TENTH 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: S.P. Arieven, DOB 7-1993, contrary to Section 38.04(2)(b). 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, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On March 9, 2013, at approximately 12:45 a.m., Madison Police Sergeant Scott Kleinfeldt was participating in a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Sergeant Kleinfeldt observed an individual, later identified as S.P. Arieven, who appeared to be under the age of twenty-one (21). Sergeant Kleinfeldt made contact with Arieven and he admitted that he was only nineteen (19) and stated that he snuck in the door behind friends. Arieven was consuming alcohol at Madhatters. Arieven was cited for Underage Person Enters/Attempts To Enter Licensed Premises. Madison Police case No. 2013-65467.

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: H.R. Loehrke, DOB 12/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On March 15, 2013, at approximately 12:45 a.m., Madison Police Officer Trenton Scanlon was participating in a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Officer Scanlon a female, later identified as H.R. Loehrke, DOB 12/1993, who immediately broke eye contact upon seeing Officer Scanlon and started walking quickly away from him. Officer Scanlon made contact with Loehrke and she admitted that she was only 19 years of age. Loehrke stated that her friend knew the bouncer and that the bouncer let her in with her real ID. Loehrke was cited for Underage Person Enters/Attempts To Enter Licensed Premises. Madison Police Case No. 2013-71136

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: Z.M. Thomas, DOB 01/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On July 7, 2013, at approximately 12:48 a.m., Madison Police Officer Daryl Doberstein was participating in a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison WI. Officer Doberstein observed two males quickly walking toward the front door who both appeared to be under the age of twenty one (21). Officer Doberstein made contact with one of the individuals identified as Z.M. Thomas, DOB 01/1993. Thomas was carrying an ID belonging to someone else that showed a birth date of 5/1990. Thomas was cited for Underage Person Carrying ID Not Theirs and Underage Person Enters/Attempts To Enter Licensed Premises. Madison Police Case No. 2013-203787

THIRTEENTH 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: P.R. Childers, DOB 3/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On July 7, 2013, at approximately 12:48 a.m., Madison Police Officer Michael Magolan was participating in a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Officer Magolan observed Officer Doberstein with two individuals and he went over to assist. Officer Magolan identified one of the males as P.R. Childers, DOB 3/93. Childers denied having a fake ID on his person. Childers offered to let Officer Magolan search him and Officer Magolan did and found a driver's license belonging to someone else with a birth date of 1986 in Childers' wallet. Childers stated that he forgot he had the ID in his wallet. Officer Magolan observed that Childers speech was slurred and his eyes were squinty and glassy and he had trouble standing without swaying back and forth. Childers was cited for Underage Person Enters/Attempts To Enter Licensed Premises and Underage Person Intentionally Carrying ID Not Theirs. Madison Police Case No. 2013-203787.

FOURTEENTH 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: R.P. Rogerson, DOB 6/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FIFTEENTH 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: J.F. Lawton, DOB 2/1993, in violation of Madison General Ordinances,

Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

SIXTEENTH 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: S.H. Rubenzer, DOB 2/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

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: A.R. Paul, DOB 1/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

EIGHTEENTH 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: R.P. Rogerson, DOB 6/1993, contrary to Section 38.04(2)(b). 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, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On August 20, 2013, at approximately 12:02 a.m., Madison Police Officers Andre Lewis, Marine Yoo and Grant Humerickhouse were conducting a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Officer Lewis approached a table and asked the group at the table for their ID's. A female in the group tried to walk around Officer Lewis and then actually ran past him. Officer Lewis grabbed the female, identified as R.P. Rogerson, DOB 6/1993, in order to find out if she was underage. Rogerson admitted to having a few drinks in Madhatters and admitted that she was under the age of twenty-one (21). Rogerson surrendered her false ID to Officer Lewis. Rogerson was cited for Underage Person Enters/Attempts to Enter Licensed Premises and Resisting/Obstructing a Peace Officer. Officer Yoo made contact with two individuals who admitted to being under the age of twenty-one (21). Those individuals were identified as J.F. Lawton, DOB 2/1993 and S.H. Rubenzer, DOB 2/1993. Lawton and Rubenzer surrendered the ID he used to gain entry that was not his and Lawton told Officer Yoo that his friend "Matt" is a bouncer at Madhatters and Matt had let Lawton into the bar. Officer Yoo detected an odor of intoxicants on the breath of both Lawton and Rubenzer. Lawton and Rubenzer were cited for Underage Person Enters/Attempts To Enter Licensed Premises. Officer Humerickhouse made contact with a female identified as A.R. Paul, DOB 1/1993 due to Paul appearing to be very young. Paul admitted that she was only twenty (20) years old and she surrendered her fake New Jersey ID. Paul stated that she had drank at home before coming to the bar and that she also drank at the bar. Paul was cited for Underage Person Possess/Consumes Alcohol Beverages Off Licensed Premises. Madison Police Case No. 2013-245280.

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: N.M. Beilfuss, DOB 4/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On September 6, 2013, at approximately 12:40 a.m., Madison Police Officer Marine Yoo was participating in a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Officer Yoo observed a female who appeared to be under the age of twenty-one (21). Officer Yoo made contact with the female and asked her for identification. The female, identified as N.M. Beilfuss, DOB 4/1993, admitted that she was not twenty-one (21) and she surrendered her false ID. Beilfuss was cited for Underage Person Enters/Attempts To Enter Licensed Premises. Madison Police Case No. 2013-278771

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: S.D. Kirson, DOB 1/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On September 6, 2013 at approximately 12:40 a.m., Madison Police Officer Matthew Magolan was participating in a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Officer Magolan observed a female exiting the bar who would not make eye contact with him. Officer Magolan contacted the female, identified as S.D. Kirson, DOB 1/1993. Kirson admitted that she was underage and handed Officer Magolan a fake Rhode Island ID. Officer Magolan observed that Kirson smelled like alcohol and she admitted to having drank “mixed drinks” at home prior to coming to Madhatters. Kirson was cited for Underage Person Possess/Consumes Alcohol Off Licensed Premises. Madison Police Case No. 13-278771

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: T.M. Thurmes, DOB 12/1992, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

TWENTY-SECOND 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: T.M. Thurmes, DOB 12/1992, contrary to Section 38.04(2)(b). 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, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On September 8, 2013, at approximately 12:50 a.m., Madison Police Officer Grant Humerickhouse was participating in a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Officer Humerickhouse observed a female who appeared to be trying to blend in with the crowd that was exiting the bar. Officer Humerickhouse made contact with the female because she appeared to be under the age of twenty-one (21). Officer Humerickhouse identified the female as T.M. Thurmes, DOB 12/1992. Officer Humerickhouse smelled an odor of intoxicants coming from Thurmes. Thurmes denied having any identification on her person. Officer Humerickhouse asked Thurmes at least three times for identification and each time she denied having any. Officer Humerickhouse eventually found a fake ID on Thurmes. Thurmes was cited for Underage Person Possess/Consume Alcohol On Licensed Premises; Possession of Fake ID; Obstructing A Peace Officer and Underage Person Enters/Attempts to Enter Licensed Premises. Madison Police Case No. 2013-281385

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: E.J. Schafer, DOB 8/1996, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

TWENTY-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: J.E. Sweeney, DOB 11/1992, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On September 8, 2013, at approximately 12:49 a.m., Madison Police Officer Daryl Doberstein was participating in a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Officer Doberstein observed two females attempt to flee the bar as officers made entry. Both appeared to Officer Doberstein to be under the age of twenty-one (21). Officer Doberstein made contact with one of the females who he identified as E.J. Schafer, DOB 8/1993. Officer Doberstein confiscated an ID from Schafer that was her older sister's expired driver's license. Schafer was cited for Underage Person Enters/Attempts To Enter Licensed Premises. Officer Matthew Magolan made contact with the other female who was fleeing and identified her as J.E. Sweeney, DOB 11/1992. Sweeney told Officer Magolan she did not have an ID on her person. Sweeney then gave Officer Magolan permission to search her purse and he located an ID belonging to Sweeney's "boyfriend's sister." Sweeney admitted to purchasing alcohol with the boyfriend's sister's ID and consuming it at her apartment prior to going to Madhatters. Sweeney was cited for Underage Person Possess or Consumes Alcohol off Licensed Premises. Madison Police Case No. 13-281385.

TWENTY-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: E.F. Palasz, DOB 2/1994, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

TWENTY-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: J.L. Maloney, DOB 12/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

TWENTY-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: M.S. Beckman, DOB 5/1994, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

TWENTY-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: E.C. Wellnitz, DOB 11/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

TWENTY-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: M.F. Redding, DOB 12/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On August 22, 2014, at approximately 12:55 a.m., Madison Police Officers Matthew Magolan, Marine Yoo and Sergeant Scott Kleinfeldt were performing a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Officer Magolan stood outside Madhatters while other officers entered to watch for anyone who might be leaving due to police presence. Two females exited shortly after officers entered and avoided making eye contact with Officer Magolan. The females walked quickly away and after Officer Magolan himself they initially refused to turn around or stop. Eventually the two females stopped and Officer Magolan identified them as E.F. Palasz, DOB 2/1994 and J.L. Maloney, DOB 12/1993. Palasz and Maloney denied having any ID on their person. Officer Magolan asked them how they got into the bar without ID since at that time, the bouncer was actively carding. As Officer Magolan dealt with Palasz and Maloney he observed approximately 12 more individuals who appeared to be under the age of twenty-one (21) exit Madhatters. Palasz and Maloney did surrender their fake ID's and they were both given a citation for Underage Person Possess/Consumes Alcohol Off Licensed Premises. Both had admitted to drinking "mixed drinks" at a friend's house prior to coming to Madhatters. Officer Yoo observed three females in Madhatters who appeared to be under twenty-one. Officer Yoo asked the females for their ID's. All three females, identified as M.S. Beckman, DOB 5/1994; E.C. Wellnitz, DOB 11/1993 and M.F. Redding, DOB 12/1993, surrendered fake ID's to Officer Yoo. All three were cited for Underage Person Enters/Attempts To Enter Licensed Premises. Madison Police Case No. 2014-272361.

THIRTIETH 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: S.L. Schreiner, DOB 9/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

THIRTY-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: R.A. Smith, DOB 11/1993, in violation of Madison General Ordinances, Sec. 38.04(3)(b)1, for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On August 28, 2014, at approximately 1:00 a.m., Madison Police Officer Matthew Magolan and Marine Yoo were conducting a tavern safety inspection at Madhatters, 322 W. Gorham Street, Madison, WI. Officer Magolan made contact with a female who appeared to be under the age of twenty-one. The female, identified as S.L. Schreiner, DOB 9/1993. Schreiner surrendered a Minnesota Driver's License that was not hers. Schreiner was cited for Underage Person Possess/Consumes Alcohol Off Licensed Premises. Officer Yoo observed a female who appeared to be under the age of twenty-one and asked her how old she was. The female, identified as R.A. Smith, DOB 11/1993, stated that she was 23 years old. Eventually Smith admitted that she was 20 and surrendered her fake ID. Smith was cited for Underage Person Enters/Attempts To Enter Licensed Premises. Madison Police Case No. 2014-272361.

THIS COMPLAINT IS BASED ON the information and belief of your complainant, Jennifer Zilavy, who is an Assistant City Attorney for the City of Madison and who learned of the above offenses from the reports of Madison Police Department Central District Community Policing Team and other Madison Police Department Officers and Detectives, which reports your complainant believes to be reliable inasmuch as they are based upon direct observations by the Officers and Detectives of the violations and the reports were prepared during the course of the Officers' and Detectives' official duties. Said report can be found in Madison police Department Records under the following Case Nos.:

13-278771	13-71136
13-281385	13-203787
14-47634	13-245280
14-62696	13-278771
14-272461	13-281385
13-65467	14-272361

Jennifer Zilavy
Assistant City Attorney

Subscribed and sworn to before me,
this _____ day of _____, 2015.

Notary Public, State of Wisconsin
My commission expires _____.

You may by mail, prior to the date of your appearance indicated on the Summons, enter a plea of not guilty by mailing such plea to the court address indicated on the Summons. Include the date of your court appearance, your name as it appears on the Summons and your mailing address. Your case will then be set for a pretrial conference. The court will send you a notice as to the date and time of your pretrial conference.