

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

Date: December 17, 2014

MEMORANDUM

TO: Alcohol License Review Committee

FROM: Assistant City Attorney Jennifer Zilavy

RE: 12/17/2014 Agenda Items #7 and 9

Item #7. I recently served B.A.T., Inc., d/b/a Madhatters, Ted Gervasi, agent, with a thirty-one (31) count complaint for capacity violations, selling to underage and permitting underage on the premises. The initial appearance date on the Complaint is scheduled for January 12, 2015.

Item #9. I asked the Committee to refer this item to the December meeting due to concerns I had regarding the applicants and two police-related incidents. Caleb Percevecz contacted me and asked if I would meet with him and his partner to discuss my concerns. We met on December 8, 2014, along with Alder Verveer. I obtained copies of the police reports from both the most recent incident and the one involving Percevecz. Percevecz and his partner were not working or present at the Tiki Shack on the night of the most recent incident which occurred in Late November, and involved violence and underage individuals—one only 15 years old. I confirmed with Percevecz that he and his partner are still working under Joe Vale and that they have no intention of operating the Tiki Shack until they have their liquor license in hand. Percevecz and his partner understand the City's concerns with the manner in which Vale has operated the Tiki Shack and they want to distance themselves from that operation and change the tone and overall operation of the establishment once it is in their hands.

I read the police report from Percevecz's substantial battery incident. He is charged with a felony, however, he has no priors and I anticipate he will be given an opportunity to participate in the First Offenders Program. If the Committee is not comfortable with Percevecz's status as the agent, Percevecz's partner is willing to take on that role. Of course, that is subject to the Committee's consideration and recommendation.