

ALCOHOL LICENSING REVIEW COMMITTEE

CITY OF MADISON  
City-County Building, Room 401  
210 Martin Luther King, Jr. Boulevard  
Madison, WI 53703,

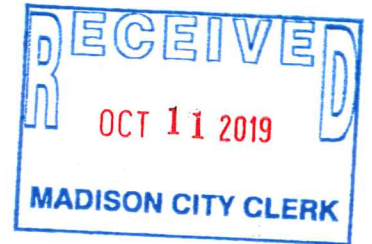
Complainant,

vs.

Revocation of Class "B" Combination  
Alcohol Beverage License and 21+  
Entertainment License

T.C. VISIONS, INC.  
d/b/a VISIONS NIGHTCLUB  
David A. Brown, Agent  
802 Twin Pines Drive  
Madison, WI 53704,

Respondent.



AMENDED COMPLAINT

NOW COMES the City of Madison by Jennifer Zilavy, Assistant City Attorney for the City of Madison, 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 Boulevard, Madison, Wisconsin, and at all times material to this action she was and is a member of the City of Madison Office of the City Attorney, in her official capacity.

2. The respondent herein, T.C. Visions, Inc., David A. Brown, agent, is the alcohol beverage licensee doing business as Visions Nightclub ("Visions"), 3554 East Washington Avenue, Madison, Wisconsin, according to documents filed with the City Clerk of the City of Madison.

3. The City of Madison Common Council granted a renewal of Respondent's Class B Combination Alcohol Beverage License for the period July 1, 2019 through June 30, 2020. 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.

4. The City of Madison Common Council granted a renewal of Respondent's 21+ Entertainment license for the period July 1, 2019 through June 30, 2020.

5. 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 Visions, 3554 East Washington Avenue, Madison, Wisconsin, has continued to violate various provisions of Chapter 38, MGO, as set forth in Madison Police Department officers' reports, City of Madison Building Inspection Notices, and Wisconsin Department of Revenue Special Agents report, to wit:

**A. VIOLATION OF CHAPTER 38 OF THE MADISON GENERAL ORDINANCES WITHIN THE MEANING OF § 38.05(3)(a)(1), MADISON GENERAL ORDINANCES, EXPANDING OR CHANGING THE LICENSED PREMISES WITHOUT COMMON COUNCIL APPROVAL**

1. On December 13, 2018, Madison Police, Madison Building Inspection, and Madison City Attorney's office met at Visions with Tom Reichenberger and David Brown to discuss Visions' security plan due to shooting and stabbing that occurred inside Visions on December 9, 2018. While on the premises, Building Inspector Kyle Bunnow observed a number of issues that concerned him. In the basement of the building, Inspector Bunnow observed unpermitted work in the form of partitioned off areas poorly constructed with wood frame construction and missing elements that would have been required had the changes been approved. These areas are in the basement of Visions and include the area that

is considered the dancer's dressing room. On the main floor of Visions, Inspector Bunnow observed that viewing booths had been constructed, and he was unaware of approved plans for the booths. Upon researching the matter, Inspector Bunnow discovered that an Official Notice was issued in September 2004 (#204238043) directing Visions to remove the booths and go through the appropriate approval process, which includes submitting plans and getting approval from the Alcohol License Review Committee. On December 14, 2018, Inspector Bunnow issued Official Notice CB2019-010-00263 directing Visions to obtain the required building permit and inspections for the private booths that were installed without approval. The notice states that in the alternative, the booths may be removed and the area restored to its originally approved condition. This notice also requires Visions to obtain the required building permit and inspections for the alterations that have been made to the basement area. The notice states that as an alternative, the unpermitted work could be removed and the area restored to its originally approved condition. As of August 15, 2019, this Official Notice has not been complied with. (Official Notice CB2019-010-00263).

**B. VIOLATION OF CHAPTER 38 OF THE MADISON GENERAL ORDINANCES AND WISCONSIN STATE STATUTES WITHIN THE MEANING OF § 38.06(2), MGO, AND §125.68(2), WIS. STAT., NO LICENSED OPERATOR ON PREMISE**

1. On June 24, 2019, at approximately 6:25 p.m., Wisconsin Department of Revenue Special Agent Jason Lee went to Visions to perform a compliance check. While at Visions, Agent Lee discovered there was no licensed operator on the premises. An operator with an expired license arrived, and then the

corporate agent came on scene. Agent Lee contacted Madison Police to issue a citation for no licensed operator, but there were no units available at that time. (Agent Lee's Field Report dated 6/24/2019).

**C. VIOLATION OF CHAPTER 38 OF THE MADISON GENERAL ORDINANCES AND WISCONSIN STATE STATUTES WITHIN THE MEANING OF § 38.07(18), MGO AND § 125.68(8) (a) 2-3, WIS. STAT., ILLEGALLY PROCURING ALCOHOL BEVERAGES AND ILLEGALLY REFILLING LIQUOR BOTTLES, AND § 139.25(9), WIS. STAT., PRESERVATION OF RECORDS**

1. On June 24, 2019, at approximately 6:25 p.m., Wisconsin Department of Revenue Special Agent Jason Lee went to Visions to perform a compliance check. Agent Lee discovered that Visions was not purchasing alcohol from a licensed wholesaler and that they were purchasing bottles at retail and refilling bottles of alcohol on site. Agent Lee also discovered Visions was not keeping invoice records as statutorily required. (Agent Lee's Field Report dated 6/24/2019).

**D. IN VIOLATION OF MADISON GENERAL ORDINANCES SEC. 38.10(1)(a)2, KEEPS OR MAINTAINS A DISORDERLY HOUSE**

1. For many years, neighbors living near Visions have complained to their alderpersons and the City about disturbances and nuisance activities occurring at Visions and spilling over into their neighborhoods. Alders Ahrens, Foster, and their predecessors have been asked by their constituents to support liquor license non-renewal or revocation for Visions due to the nuisance issues that the neighbors say negatively impact their quality of life and their peaceful enjoyment of their homes.
2. On October 19, 2017, at approximately 11:45 p.m., Madison Police Sergeant

Galen Wiering was following up on an August 19, 2017 incident at Visions in which a Joshua R. Selsor stated he had been thrown out of Visions and had \$500 in cash stolen in the process. Sergeant Wiering spoke with bouncer Thomas Spoerl. Spoerl said he was working on the night in question and that it was bouncer William Holmes who approached Selsor. Spoerl said that Holmes had Spoerl by the shirt or jacket and dragged him on the floor because Selsor was resisting being removed from the bar. Spoerl stated he knew nothing about Selsor's \$500. Sergeant Wiering also spoke to Holmes, the bouncer who removed Selsor. Holmes told Lt. Skenandore that he did not know anything about some "fucking money" and that he had not done anything. Holmes went on to say that Selsor was filming one of the female dancers, and the female dancer confronted Selsor; it appeared the two were arguing and that it was getting to the point of being physical, and that is when he intervened. Holmes said, "I tossed him out." Holmes said he dragged Selsor a short distance for just a matter of seconds. Holmes said he knew nothing of Selsor's missing \$500. (Madison Police Case No. 2017-00290807).

3. On September 6, 2018, at approximately 12:33 a.m., several Madison Police Officers were dispatched to Visions reference a fight that had taken place and an injured person who was possibly unconscious. Officer Michael Martin arrived at Visions and entered the bar and observed approximately eight people around the bar and EMS attending to a male who was standing at the far side of the bar near the restrooms. The injured man was later identified as Roberto Gonzalez. Officer Dan Frei spoke with an employee of Visions who did not wish to be identified in the police report. She identified herself to Frei, but asked that her

name not be in the report. This female told Officer Frei that she was seated at the bar while working when she observed Gonzalez and a female standing at the video game which allows players to hit a punching-bag-type device that measures the force of the punch. While Gonzalez and this female were playing, this witness said a black male wearing "biker" attire tried to play the game. There were approximately six individuals wearing the same biker vest with some sort of patches; however, the witness did not know the club name. The witness said they were not CC Riders, Outlaws, or other clubs she has seen in Madison, but she did believe they were local. The witness stated that she believed the black male who approached Gonzalez was of a "higher rank" in the biker club due to the red vest he was wearing and how the other members acted. The witness observed the biker in the red vest stand near Gonzalez, and she heard Gonzalez say to the biker in the red vest that he had to put up his own money or wait until Gonzalez was finished to play the game. The witness said there was some verbal back and forth between the biker in the red vest and Gonzalez and that one of the other bikers tried to calm things down. The female who was with Gonzalez also tried to get between Gonzalez and the biker with the red vest but was unsuccessful. The witness observed the biker in the red vest and Gonzalez get face-to-face when another biker came up behind Gonzalez and grabbed him from behind in a bear-hug-type maneuver. At this point, the witness observed the other bikers hit Gonzalez. First the biker with the red vest hit Gonzalez in the face, and then the others all got involved. The witness stated Gonzalez was taken to the ground, and the suspects began kicking Gonzalez to the point where he lost consciousness. The bikers continued to kick Gonzalez for a short time,

and then the witness and others tried to pull the bikers off Gonzalez. The bikers only stopped when they started telling people that police were coming. The witness said the bikers then left. The witness was afraid of retaliation from the bikers if they learnt her name. The witness stated that the biker in the red vest was the aggressor and the one who escalated things. Officer Frei was later advised by other Officers that the bikers were with the "Four Horsemen" motorcycle club. There were other witnesses who work for Visions who did not want to be identified for fear of retaliation from the motorcycle club. Follow-up by Terrence Loos, a Madison Police Department Gang Unit officer, led to identification of the five bikers who were at Visions and led to a determination that the Four Horsemen is a nationally recognized motorcycle club and that their behavior is indicative of a criminal gang. (Madison Police Case No. 2018-00347159).

4. On Thursday, September 27, 2018, at approximately 2:17 a.m., Madison Police Officer Lauren Meverden was dispatched to Visions reference an unconscious male in the parking lot. Upon arrival, Officer Meverden made contact with a male identified as Michael R. Scheets. Scheets stated he fell, hitting his head and that his friends left him. Officer Meverden observed that Scheets had an odor of intoxicants about his person, had slurred speech, and was unable to walk on his own. Madison Fire refused transport and the Dane County Detox Center was full. Officer Meverden placed Scheets into protective custody. (Madison Police Case No. 2018-00378538).
5. On October 26, 2018, at approximately 11:27 p.m., Madison Police Officer Catherine Leerek was dispatched to Visions reference a customer causing a

disturbance outside and accusing staff of taking his keys. Upon arrival, Officer Leerek identified the patron as Jeffery M. Wilson. Wilson was upset that staff had his keys to his car. Wilson pointed out that his car was parked in a handicap spot and said he did not realize it was a handicap spot. Wilson said his intention was to go in and have one drink and then leave and that he left his vehicle running. Wilson stated he ended up staying longer than he expected, and when he came out to leave, his car was no longer running, the keys were gone from the ignition, and it was locked. Wilson went back inside and asked staff if they knew what happened, and the manager told him they found his vehicle running in the handicap spot so they turned it off, secured it, and hung onto the keys which they were refusing to give back until police arrived. Officer Leerek spoke with Troy, the manager, who advised that another staff member found the car outside running in the handicap spot for about an hour. Troy got in the vehicle to turn it off and noticed the title on the front seat and wrote down the name so he could verify the person's information when they came to get the keys. Troy stated that when Wilson approached him for the keys, Wilson's name did not match the name on the title. Troy also looked up the plate on a license plate website and found the plate did not match the vehicle so he became suspicious and called police to sort the issue out because he did not feel comfortable returning the keys to Wilson. Officer Leerek was able to verify that the car was Wilson's girlfriends and that she had purchased the car in May but had not yet registered it and had put her old plates on the vehicle. Wilson was given the keys and told to leave. (Madison Police Case No 2018-00419921).



6. On December 9, 2018, at approximately 1:44 a.m., Madison Police Officer Kyle Toberman and numerous other Madison Police Officers were on patrol when they were dispatched to Visions reference a large fight at the establishment. While en route to the business, Dispatch advised that there were now reports of gunshots in the business with at least one possible injury. Upon arrival, Officer Toberman observed numerous individuals walking and running from the business and heard multiple people yelling out loud. As Officer Toberman approached the entrance, he observed what he believed to be fresh blood scattered near the doorframe. Officer Toberman entered Visions at which time he observed numerous patrons inside that were yelling various statements about multiple people being shot by gunfire. Officer Toberman fully entered the business and heard a subject yelling that he had been shot in the leg. A black male and a black female (the female stated she had been grazed by a firearm projectile) were carrying this person, later identified as Justin Madison, and Officer Toberman stopped to provide medical assistance. Officer Toberman was informed that a second victim with a potential gunshot to the abdomen or chest area had been located in the downstairs area of Visions. During Officer Toberman's initial observations, he saw what appeared to be fresh blood scattered across the floor of the main level of Visions near the South entrance door inside near the service bar. Officer Toberman observed multiple chairs lying on the ground along with clothing on the ground in this area. He also noticed multiple spent firearm casings on the ground. Officer Toberman spoke with a Visions employee identified as Angelique Brown. Brown stated that she overheard a verbal altercation between two men. One of the men was the individual who had been

shot and was located downstairs. That man was identified as Dashawn Robert. Brown said Robert was arguing with someone she knew as "Co". Brown stated Co and Robert were arguing loudly with one another near the bar. Brown said as the two were arguing she observed Brown display a small, bi-fold pocketknife in one of his hands. Brown said she then saw one of her co-workers, Miracle Lloyd, walk to Robert and attempt to pull him away. Lloyd and Robert are siblings. Brown stated that Robert and Co continued to argue and Brown got up to move away from the situation. At this point, Brown saw Co brandish a firearm and fire approximately four rapid shots. Brown stated that Co initially shot at Robert and then Brown, Lloyd and Robert started running to the nearby staircase. Brown stated that she believed Co fired at least one shot toward the East area of the business. Brown did not know why Robert and Co were arguing. Brown stated that Co is a regular and that he is a drug dealer. Brown stated that Robert also frequents the business. Brown went on to state that she believed Co's first name was Colt and that he had possible affiliations with a motorcycle gang, possibly the CC Riders. Brown stated she heard Co yelling that he had been stabbed in the head or face area when she initially observed him arguing with Robert. Brown is a dancer at Visions and her stage name is "Sassy." Many Madison Police Officers were on scene in response to the shooting and several detectives were assigned for follow-up investigation. Madison Police Case No. 2018-00475674.

7. On February 18, 2019, at approximately 3:46 p.m., a self-report complaint came into the Madison Police Department. The report stated that the complainant, later identified as Jamie N. McKinney, was at Visions on February 15, 2019 and went into a private room with a dancer going by the name "Malibu". According to

McKinney, Malibu removed McKinney's hoodie and placed it in the room. As McKinney exited the room and got her things she noticed her wallet was missing. She went back to the room and had another dancer help her look for her wallet but never found it. On March 2, 2019, Madison Police Officer Samantha Tiry made contact with McKinney. McKinney stated that she was at Visions on February 15, 2019 and that she had been drinking alcohol. She stated that around 12:00 a.m. to 12:30 a.m. she went to the back private room with "Malibu" and that after the private dance McKinney discovered her wallet missing. McKinney was concerned about her identity being stolen. On March 10, 2019, Officer Tiry called Visions and spoke to an individual identifying themselves as the owner of Visions. Officer Tiry explained to the owner that she was attempting to get video regarding a theft case. The owner immediately became upset and, speaking in an angry and defensive tone, told Officer Tiry that it had not yet been proven that a theft actually occurred inside Visions. The owner asked Officer Tiry if the victim was an African-American "lady", and Officer Tiry stated it was. The owner then said something to the effect of, "that girl was so drunk and she was wasting my time." The owner said he would pass the video request along to his "IT guy" if the IT guy had time. As of March 13, 2019, Officer Tiry had not been contacted by Visions regarding the availability of the video. (Madison Police Case No. 2019-00900675).

8. On March 15, 2019, at approximately 11:40 p.m., Madison Police Officer Kevin McCarthy was dispatched to Visions reference a disturbance. Upon arrival, Officer McCarthy observed a group of males standing in the parking lot and asked the group if they had called police. The group indicated "yes." The group

said that one member of the group, Ulises M. Porquillos, had been grabbed from behind by security and escorted out of the bar; he was upset about it because he did not like "being touched by security." Officer McCarthy made contact with Visions security officer Matthew C. Correia. Correia explained that Porquillos had attempted to touch one of the female employees and was "acting drunk." Correia stated Visions does not allow their employees to be touched by anybody, so he and another security officer placed their hands on Porquillos' back in order to escort him out of Visions. Officer McCarthy explained to Porquillos that he was escorted from Visions for failure to follow the rules. Officer McCarthy observed that Porquillos was clearly intoxicated and had issues writing down his name. Porquillos and his friends agreed not to enter Visions again that night and left the parking lot. (Madison Police Case No. 2019-00098383).

9. On Saturday, June 2, 2019, at approximately 1:48 a.m., Madison Police Officer Kyle Toberman was dispatched to Visions to assist members of Madison Fire Department Station #8 with an individual who was unconscious and not breathing. Upon arrival, Officer Toberman observed members of Madison Fire attending to an unconscious person in the parking lot of Visions. The unconscious person was identified as Christopher M. Dorta. Visions employee Shane T. McElmurry told Officer Toberman that Dorta came into the business approximately 30 minutes prior with another individual. McElmurry stated something appeared off with Dorta, and he thought Dorta would be a problem later on because of Dorta's mannerisms. McElmurry stated that minutes before he contacted emergency services, Dorta was sitting at the bar and had just ordered a beer when he fell out of his chair onto the floor and became


unconscious. McElmurry stated he and other employees went to Dorta and noticed his current state and carried Dorta out into the parking lot believing he had just passed out. McElmurry stated that once outside, he noticed that Dorta was not breathing and called emergency services. McElmurry advised he never observed Dorta use any illicit drugs and stated he had only been served a couple of beers. Officer Toberman spoke with an individual identified as Timothy R. Lobianco, an acquaintance of Dorta's. Lobianco stated he and Dorta work together as over the road semi drivers. Lobianco advised that he and Dorta used cocaine prior to coming to Visions, but that they did not use much. Once Dorta regained consciousness, he told Officer Toberman that he sometimes uses cocaine but that he would never use any opiates, including heroin. Dorta stated he was afraid of using opiates. (Madison Police Case No. 2019-00209231).

NOW, THEREFORE, for all the above stated reasons and pursuant to Sec. 38.10(1)(e), Madison General Ordinances, the Complainant requests that the Common Council of the City of Madison REVOKE the Class "B" Combination Alcohol Beverage License and the 21+ Entertainment License for the premises known as Visions Nightclub, 3554 East Washington Avenue, Madison, Wisconsin.

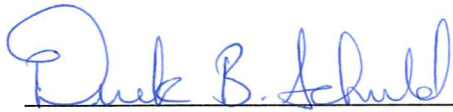
STATE OF WISCONSIN )  
) ss.  
COUNTY OF DANE )

Assistant City Attorney Jennifer Zilavy, being duly sworn on oath, states that she has read the foregoing Complaint against T.C. Visions, Inc., d/b/a Visions Nightclub, 3554 East Washington Avenue, Madison, Wisconsin, and that the statements are 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 records from the Wisconsin Department of Revenue filed by its agents pursuant to their official duties, reports by Madison Police Officers filed pursuant to their official duties, Official Notices from the Madison Building Inspection Division issued and filed pursuant to their official duties, and official records from the City of Madison Clerk's office.

  
Jennifer Zilavy  
Assistant City Attorney

Subscribed and sworn to before me  
this 10<sup>th</sup> day of October 2019.

  
Notary-Public, State of Wisconsin  
My Commission expires: 7-23-23.

