

STATE OF WISCONSIN BEFORE THE ALCOHOL DANE COUNTY
LICENSE REVIEW COMMITTEE
OF THE CITY OF MADISON

CITY OF MADISON,

Plaintiff,

COMPLAINT

vs.

Kollege Klub, Inc.,
dba Kollege Klub
Bruce J. Meier, Agent
529 North Lake Street
Madison, WI

Respondent.

NOW COMES the City of Madison by Jennifer Zilavy, Assistant City Attorney, 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. Blvd., Madison, Wisconsin, and at all times material to this action, she has been an Assistant City Attorney for the City of Madison.
2. The respondent herein, Kollege Klub, inc., Bruce J. Meier, agent, is the alcohol beverage licensee doing business as Kollege Klub, 529 North Lake Street, Madison, Wisconsin, according to documents filed with the City Clerk of the City of Madison.
3. The Common Council of the City of Madison granted a Class B Combination Alcohol Beverage License to Kollege Klub Ins., Bruce J. Meier, agent, for the premises located at 529 North Lake Street, Madison, Wisconsin, for the period July 1, 2006 through June 30, 2007. 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.

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 Kollege Klub, 529 North Lake Street, Madison, Wisconsin, has accumulated in excess of 200 points of alcohol beverage ordinance violations rendering any issuance of a Formal Expression of Concern, within the meaning of Sec. 28.10(4)(d), Madison General Ordinances, inapplicable, to wit:

FIRST COUNT: On July 9, 2006, did 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: Allison Sara, d/o/b 8/27/1988, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

SECOND COUNT: On July 9, 2006, did 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: Katherine M. Loichinger, d/o/b 6/4/1987, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

FACTS: On July 9, 2006, at approximately 1:04 a.m., Madison Police Officers Javier Loreda, Anthony Fiore, Kraig Knutson and Sgt. Dave McCaw conducted a routine bar check at the Kollege Klub, 529 North Lake Street, Madison, Wisconsin. Officer Loreda contacted a white female, later identified as Katherine M. Loichinger, d/o/b 6/4/1987. Loichinger told Officer Loreda she entered the bar at 8:00 p.m. when there was no bouncer. Loichinger consented to a search of her purse and Officer Loreda searched her purse looking for identification. Officer Loreda did not find any identification in Loichinger's purse. Officer Loreda also contacted a white female, later identified as Allison R. Sara, d/o/b 8/27/1988. Officer Loreda asked Sara if he could search her purse for ID and Sara consented. Upon searching Sara's purse, Officer Loreda found a Mississippi photo driver's license in the name of Kelly B. Harman, d/o/b 10/28/1983. Madison Police Report 06/79659

THIRD COUNT: On September 16, 2006, did unlawfully violate a condition on an alcohol beverage license application or a condition on the license itself; to wit: exceeded patron capacity, contrary to Sec. 38.12(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, \$18 jail and crime lab surcharge, plus court costs and fees.

FACTS: On September 16, 2006, at approximately 11:30 p.m., Madison Police Officers Stephen Heimsness, Adria Ehly and Javier Loreda were conducted a routine bar check at the Kollege Klub, 529 North Lake Street, Madison, Wisconsin. Officer Heimsness observed approximately 40 to 50 persons standing in line to get into the Kollege Klub. The Officers entered the Kollege Klub and began walking through the bar. Officer Heimsness observed that the dance floor and the aisle in front of the bar were very congested. Upon entry to the back room of the bar Officer Heimsness observed more congestion. Officer Heimsness noted that it was very difficult to squeeze by persons in the congested areas. Officer Heimsness noted that it was difficult to see anyone farther than one person away in any one direction as they were walking through the bar. At one point, Officer Heimsness heard the owner of the bar, Bruce Meier, yell at an employee who was positioned near the front door, "Fuck the capacity, let in twenty, twenty five in now!" Officer Carrie Hemming subsequently conducted a capacity check of the bar using a handheld counter and counted approximately 370 patrons in the bar. Kollege Klub's patron capacity is 305 patrons. Madison Police Report No. 06-112817.

FOURTH COUNT: On October 13, 2006, did unlawfully violate a condition on an alcohol beverage license application or a condition on the license itself; to wit: exceeded patron capacity, contrary to Sec. 38.12(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, \$18 jail and crime lab surcharge, plus court costs and fees.

FACTS: On October 13, 2006, at approximately 11:44 p.m., Madison Police Officers Stephen Heimsness and A. Ehly were conducting a routine bar check at the Kollege Klub, 529 North Lake Street, Madison, Wisconsin. Officer Heimsness observed about 30-40 people waiting in line to get into the bar. Upon entry into the bar, Officer Heimsness observed that the bar was severely congested with patrons standing shoulder to shoulder in most of the aisles, the main bar room and the back bar room. Officer Heimsness noted that as he attempted to walk through the bar his progress was completely stopped repeatedly due to the congestion of patrons and the fact that they were shoulder to shoulder. Officer Heimsness noted that as he tried to make his way through the crowd, items on his duty belt kept getting caught and entangled in clothing and body parts of patrons because there were so many people in the bar. Officer Heimsness made three attempts to conduct an approximate headcount and counted approximately 350 patrons inside the bar. Kollege Klub's patron capacity is 305 patrons. The staff member at the door showed his counter to Officer Heimsness and his counter indicated 309 patrons were in the bar. Madison Police Report No. 06-124438

FIFTH COUNT: On November 17, 2006, did 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: Hailey H. Riggle, d/o/b 6/12/1987, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the

penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

SIXTH COUNT: On November 17, 2006, did 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: Lara C. Peschke, d/o/b 11/23/1986, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

FACTS: On November 17, 2006, at approximately 11:44 p.m., Madison Police Officers Adria Ehly and Stephen Heimsness conducted a routine bar check at the Kollege Klub, 529 North Lake Street, Madison, Wisconsin. While inside the Kollege Klub, Officer Ehly contacted a white female, later identified as Hailey H. Riggle, d/o/b 6/12/1987, because Officer Ehly thought Riggle was under the age of 21. Riggle told Officer Ehly that she got into the bar without any type of ID because she knew a football player who got her into the establishment. Officer Ehly also contacted a white female, later identified as Lara C. Peschke, d/o/b/ 11/23/1986. Peschke handed officer Ehly a Wisconsin Driver's license in the name of Rebecca L. Mack, with a d/o/b 05/07/1985. Officer Ehly did not think the photo on the Mack's ID looked like Peschke and she noted that Mack's ID listed Mack's height as 5/10". Peschke is 5' tall. Madison Police Report No. 06-139557

SEVENTH COUNT: On February 2, 2007, did 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: Alison K. Hanrahan, d/o/b 5/17/1988, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

EIGHTH COUNT: On February 2, 2007, did 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: Katherine N. Garske, d/o/b 3/11/1988, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

NINTH COUNT: On February 2, 2007, did 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: Alison K. Hanrahan, d/o/b 5/17/1988, contrary to Section 38.04(1)(a)2. 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, \$18 jail and crime lab surcharge, plus court costs and fees

TENTH COUNT: On February 2, 2007, did 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: Katherine N. Garske, d/o/b 3/11/1988, contrary to Section 38.04(1)(a)2. 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, \$18 jail and crime lab surcharge, plus court costs and fees

On February 2, 2007, at approximately 11:20 p.m., Madison Police Officer Carrie Hemming responded to the Kollege Klub at 529 North Lake Street for a report of a fight inside the bar. Officer Hemming arrived and was told the people causing the disturbance had already left. Officer Hemming decided to perform a routine bar check and began walking through the bar. Officer Hemming contacted a white female, later identified as Alison K. Hanrahan, d/o/b 05/17/1988. Hanrahan was consuming alcohol from a plastic cup that had the words "Jack Daniels" on it. Hanrahan told Officer Hemming that she had "snuck" into the Kollege Klub. Officer Hemming asked her if she had any identification on her and Hanrahan gave Officer Hemming a fake Illinois driver's license that Officer Hemming concluded was an obvious fake due to the blurriness of the license and the absence of a hologram. Officer Hemming also contacted a white female later identified as Katherine N. Garske, d/o/b 03/11/1988. Garske was also consuming alcohol from a plastic cup with the words "Jack Daniels" on it. Both Garske and Hanrahan were wearing yellow wrist bands. The bar owner, Bruce Meier, told Officer Hemming that he was offering a drink special that night which was \$10 for all the beer you could drink. The yellow wrist bands were an indicator that the customer had paid the \$10 for the drink special. Garske told Officer Hemming that she had "snuck" into the Kollege Klub". When asked for identification, Garske gave Officer Hemming a Wisconsin driver's license in the name of Kristin Phelan, d/o/b 1984. Officer Hemming concluded that the photo on the driver's license was obviously not Garske. Madison Police Report No. 07-11907

ELEVENTH COUNT: On February 17, 2007, did 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: Amber Lee Hewitt, d/o/b 7/17/1986, contrary to Section 38.04(1)(a)2. 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, \$18 jail and crime lab surcharge, plus court costs and fees

TWELFTH COUNT: On February 17, 2007, did unlawfully sell, vend, deal or traffic in alcohol beverages to or with an intoxicated person; to wit: Amber Lee Hewitt, in violation of Section 38.04(2)(a)2. of the Madison General Ordinances, for which the penalty is a forfeiture of not less then One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

THIRTEENTH COUNT: On February 17, 2007, did unlawfully permit an intoxicated person to be on the premises in which alcohol beverages are sold; to wit: Amber Lee Hewitt, in violation of Sec. 38.04(2)(a)3. of the Madison General Ordinances, for which the penalty is a forfeiture of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

FOURTEENTH COUNT: On February 17, 2007, did 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: Amber Lee Hewitt, d/o/b 7/17/1986, in violation of Madison General Ordinances, Sec. 38.04(3)(b)., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

FACTS: On February 17, 2007, at approximately 2:10 a.m., Madison Police Officers Stephen Heimsness and Nora Prohaska were dispatched to the Kollege Klub bar at 529 North Lake Street, Madison, Wisconsin. While walking through the bar, the officers found a white female, later identified as Amber Lee Hewitt, d/o/b 07/17/1986, laying in one of the booths in the west end of the front of the bar. Hewitt was unconscious, lying on her side with her feet sticking out into the aisle with one shoe on and one shoe lying in the aisle. Officer Heimsness observed vomit on Hewitt's pants and smelled a strong odor of intoxicants coming from her. Officer Heimsness observed that Hewitt could not stand or walk without assistance and could not speak. The officers were unable to rouse Hewitt completely by speaking to her and calling out to her and were finally able to get a minimal response from her by applying a pain stimulus to her thumbnail. An employee of the Kollege Klub, identified as Jacob Meier, told Officer Prohaska that he had seen Hewitt in the Kollege Klub earlier in the night and that she had been drinking in the Kollege Klub. Officer Heimsness discovered multiple Id's in Hewitt's purse and thought that the photos on the ID's roughly matched Hewitt's appearance but that the height on 2 of the ID's were off by 2 to 3 inches. Fire Rescue responded to the scene and transported Hewitt to St. Mary's Hospital. Hewitt's blood alcohol concentration was .292. Madison Police Report No. 07-17350.

NOW, THEREFORE, for all the above stated reasons and pursuant to Sec.38.10(1)(a), Madison General Ordinances, the Complainant demands that the Common Council of the City of Madison suspend the Class B Combination Alcohol Beverage License issued to Kollege Klub, Inc. 529 North Lake Street, Madison, Wisconsin.

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

City of Madison Assistant City Attorney, Jennifer Zilavy, being duly sworn on oath, states that she has read the foregoing Complaint against Kollege Klub, Inc. and that the statements are believed to be 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 reports by Madison Police Officers filed pursuant to their official duties.

Jennifer Zilavy
Assistant City Attorney

Subscribed and sworn to before me
this ____ day of May, 2007.

Notary Public, Dane County, Wis.
My Commission expires: _____