

ALRC MEETING OF SEPTEMBER 26, 2018

RED SHED DISCIPLINARY ACTION SETTLEMENT AND REFERRAL TO ALRC FOR DEMERIT POINT
ASSESSMENT

Address of violation: 406 N. Frances Street

Violation Date: January 19, 2018

Initial Appearance Date: March 19, 2018

Defendant's Attorney: None

Municipal Court Complaint Summary (Complaint attached): The City filed a twenty (20)- count complaint against JSM, Inc., d/b/a Red Shed for violations that occurred on January 19, 2018. Madison Police Officer Michael Malloy received information from Officer Pfeil that at 2:05 a.m. he had driven by Red Shed and observed that it appeared to be open. Bar time on January 19, 2018 was 2:00 a.m. Officer Malloy proceeded to the Red Shed and noticed the lights were off, but he could see numerous people inside. Officer Malloy entered the Red Shed and observed 25 to 30 people inside. He also observed freshly poured shots on the bar. At that time bar staff began telling people they needed to leave. Based on the patron's reactions, Officer Malloy concluded that they had not been previously told it was time to leave.

Based upon the police reports, the City filed a 20-count complaint with the following violations:

Counts One through Twenty: Unlawfully have on the premises after 2:00 a.m. persons who are not employees, salespersons, or service personnel performing job related activities in violation of Madison General Ordinance 38.06(7) (d).

After negotiation, the parties settled the case as follows:

1. Red Shed pled to Count 1 through 5 and agreed to pay a forfeiture of nineteen hundred fifty one dollars (\$1,951.00). Red Shed has paid the forfeiture.
2. Referral to the ALRC for demerit point assessment.

The maximum demerit points based on Red Shed's plea to the five counts is 50. Each count is a 50-point violation, but they occurred on the same day, so only one count is eligible for point assessment.

Red Shed has prior disciplinary action for liquor code violations from 2006, 2007 and 2008. Prior violations were underage on premise and over capacity.

Jeff Meise, the owner of Red Shed, has been extremely cooperative with the City in attempting to address on-going issues in the 600 block of University Avenue and lower State Street area. He has willingly implemented his own management changes in an attempt to address issues and concerns and he has willingly implemented some suggestions from the City. Mr. Meise took immediate and full responsibility for the January 19, 2018 liquor code violation.

CITY OF MADISON,

Plaintiff,

COMPLAINT

v.

Case No. _____

JSM INC.

dba RED SHED

2716 Waunona Way

Madison, WI 53713-1542

Defendant.

OFFENSE(S):

(20 counts) Violation of License Condition

ORDINANCES(S) VIOLATED:

38.06(7)(d)

COMPLAINING WITNESS

Captain Jason Freedman, Court Officer

AGENCY & CASE NOS.: 18-00022525

COURT CASE NO.:

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 1/19/2018; at Red Shed, 406 N. Frances St., 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 Red Shed, 406 N. Frances St., Madison, WI:

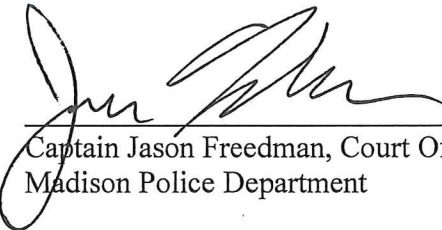
COUNTS ONE through TWENTY: Except on New Year's Day, unlawfully have on the premises after 2:00 a.m. during the week or after 2:30 a.m. on Saturdays and Sundays, persons who are not employees, salespersons or service personnel performing job related activities, contrary to Sec. 38.06(7)(d), Madison General Ordinances, and upon conviction thereof shall be subject to a forfeiture of not more than One Thousand Dollars (\$1,000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On January 19, 2018, at approximately 2:05 a.m., Madison Police Officer Michael Malloy was notified by Madison Police Officer Pfeil that Officer Pfeil had just driven by the Red Shed at 406 N. Frances Street and observed that the bar appeared to be open. Bar closing time on Fridays is 2:00 a.m.

Officer Malloy proceeded to the Red Shed. As he pulled up in front of the Red Shed he noticed that the lights were turned off inside but he could see numerous individuals still inside the bar and it appeared to Officer Malloy that those individuals were consuming alcohol. Officer Pfeil joined Officer Malloy and as they approached the bar, Officer Malloy observed an individual, later identified as Keith Burrell, lock the door to the bar. Officer Malloy signaled to Burrell to open the door and Burrell did. Officers Malloy and Pfeil entered the bar and observed between 25 and 30 individuals in the bar with some still seated at booths and some seated at the bar. Many of these individuals were consuming what appeared to be mixed drinks and beers, many of which were full, and there were three freshly poured shots on the bar. As the officers stepped into the bar, staff members began telling patrons it was time to leave. It appeared to the Officers, based on the patrons' responses, that the patrons had not previously been told it was time to leave.

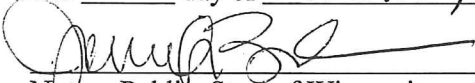
Officer Malloy contacted Burrell who told him that he was in charge. Burrell initially stated that he was trying to get people to leave and was having trouble getting them out. Burrell then changed his story and said that he had lost track of time and did not think of getting people out until he saw the squad.

THIS COMPLAINT IS BASED ON the information and belief of your complainant, Captain Jason Freedman, who is a Court Officer with the City of Madison Police Department who learned of the above offense from a written report of fellow Police Officer Michael Malloy, whom your complainant knows to be truthful and reliable based on past professional contacts and whose reports have always proven to be true and accurate. Said report can be found in Madison Police Department Records under Case No(s). 18-00022525.

 2780

Captain Jason Freedman, Court Officer
Madison Police Department

Subscribed and sworn to before me,
this 15th day of February, 2018.



Notary Public, State of Wisconsin
My commission expires on is permanent

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.

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