
CITY OF MADISON,

Plaintiff,

COMPLAINT

vs.

LWS INVESTMENTS TWO LLC
a Wisconsin limited liability company
dba Good Times Neighborhood Bar
57 S. Stoughton Road
Madison, WI 53714

Respondent.

NOW COMES the City of Madison by Steven C. Brist, Assistant City Attorney, and alleges as follows, that:

1. The complainant, Assistant City Attorney Steven C. Brist, 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, he has been an Assistant City Attorney for the City of Madison.

2. The respondent herein, LWS Investments Two, LLC, Larry Schmock, Registered Agent, is the alcohol beverage licensee doing business as Good Times Neighborhood Bar, 57 S. Stoughton Road, 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 LWS Investments Two, LLC, dba Good Times Neighborhood Bar, for the premises located at 57 S. Stoughton Road Madison, Wisconsin, for the period July 1, 2006 through June 30, 2007 and the period of July 1, 2007 through June 30, 2008. 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 a City of Madison Class B Combination Alcohol Beverage License for the retail sale of alcohol beverages, at the premises known as Good Times Neighborhood Bar, 57 S. Stoughton Road, Madison, Wisconsin, has violated various provisions of Sec. 38.10(1) of the Madison General Ordinances, as set forth in Madison Police Department Officers' Reports, to wit:

THE ABOVE-NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE-NAMED DEFENDANT, by its agent, servant or employee, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN, on the dates indicated below at Good Neighborhood Bar, 57 S. Stoughton Road, Madison, Wisconsin, DID:

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 Good Times Neighborhood Bar, 57 S. Stoughton Road, Madison, WI, by its agents, servants or employees, did:

I. VIOLATIONS OF MADISON GENERAL ORDINANCES SEC. 38.10(1)(A)2., KEEPS OR MAINTAINS A DISORDERLY, RIOTOUS, INDECENT OR IMPROPER HOUSE

O.R. NO. 08-13374

FIRST COUNT: Unlawfully permit an intoxicated person to be on the premises in which alcohol beverages are sold, 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.

FACTS: On January 17, 2008 at 12:20 a.m., Police Officers Samuel L. Ward and Susan Martens conducted a bar check at Good Times Bar, 57 S. Stoughton Road, Madison, Dane County, Wisconsin. After entering the establishment, Officer Ward observed a white female, later identified as Cari H. Baker, staggering to the location of Tyrone D. Austin, an employee of Good Times who was located at the entrance. Officer Ward then observed Baker leave that position and enter the female restroom. Officer Ward observed that Baker again staggered as she walked. Officer Ward spoke with Austin who stated that Baker works part-time as a bartender at the establishment and she had been at Good Times since about 6:30 pm on January 16, 2008. Austin further stated that Baker did not appear to be as intoxicated earlier in the evening when she arrived. Austin stated that he told Baker to stop drinking and to sit down to let the intoxicants wear off.

Officer Ward observed that Baker remained inside the female restroom for approximately 20 minutes.

Officer Ward made contact with Baker when she exited the female restroom. Officer Ward observed that Baker appeared to be unable to stand by herself without assistance and she was leaning against the wall. Officer Ward observed that Baker's speech appeared to be very slurred and Officer Ward had a hard time understanding Baker's speech. Officer Ward observed that Baker's eyes appeared glassed over. Officer Ward asked Baker how long she has been inside the establishment drinking. Baker replied that she had arrived at Good Times at about 6:30 pm on January 16, 2008, to inquire if she had to work that night. Baker stated to Officer Ward that when Baker learned that she wasn't needed to work, she decided to stay and began consuming intoxicants at that time. Officer Ward asked Baker what time she stopped drinking and Baker replied "I haven't stopped drinking yet." Officer Ward asked Baker why she was in the restroom so long and Baker replied "No, I wasn't in there that long." Officer Martens observed that Baker's pants were wet. Martens then asked Baker if she has urinated on herself. Baker replied "yeah, I did."

Officer Ward spoke to Cedric Jackson who was the licensed bartender on duty at the establishment. Jackson stated he observed Baker at the establishment at approximately 6:30 pm on January 16, 2008, and she began drinking shortly thereafter. Jackson stated that at approximately 10:45 pm, on January 15, 2008, he noticed that Baker had become extremely intoxicated and stopped serving Baker.

Officer Ward determined that there was no person who could come and pick up Baker and that Baker was unable to care for herself because of her intoxication. Baker was placed in protective custody and transferred to Detox.

O.R. No. 08-00674

SECOND COUNT: Unlawfully, as a licensee or employee of a licensee, performed services on the licensed premises while under the influence of intoxicants or controlled substances or both, in violation of Madison General Ordinances Sec. 38.06(8) and upon conviction thereof shall be subject to a forfeiture of not more than One Thousand Dollars (\$1,000) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

THIRD COUNT: Unlawfully, as a licensee or employee of a licensee, performed services on the licensed premises while under the influence of intoxicants or controlled substances or both, in violation of Madison General Ordinances Sec. 38.06(8) and upon conviction thereof shall be subject to a forfeiture of not more than One Thousand Dollars (\$1,000) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

FOURTH COUNT: Unlawfully fail to have on the premises the licensee or some person who has an operator's license (bartender's license) in violation of Madison General Ordinances Sec. 38.06(2) and upon conviction thereof shall be subject to a forfeiture of not more than One

Thousand Dollars (\$1,000) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

FACTS: On January 1, 2008, at approximately 6:46 p.m., Madison Police Officer Sarah W. Shimko made contact with Jay W. Ruffins who stated that he had just been a patron at Good Times, located at 57 S. Stoughton Road, in the City of Madison, County of Dane, Wisconsin. Ruffins reported that the person tending bar “didn’t have a clue” and that he thought that this individual appeared to be extremely intoxicated, and that he didn’t did know how to make basic drinks and seemed to be making up prices. Ruffins reported that the person who was pointed out to him as being the actual bartender was curled up in a chair, covered up and passed out. He advised he didn’t know what she looked like because she was covered up.

Officer Shimko responded to Good Times, 57 S. Stoughton Road, in the City of Madison, County of Dane, Wisconsin, along with Madison Police Officers Diane C. Nachtigal, Kenney, B Xiong, and Sergeant Susan J. Armagost. Upon arrival, Officer Shimko made contact with an employee of Good Times, Tyrone Austin. Austin stated that he had arrived only recently but had checked in a few times that day, but wasn’t scheduled to work until 9 p.m. that evening. Austin stated that he had been checking in on the bartender, Jamie Lamoreaux because he knew that she had been very intoxicated from partying the prior night. Austin stated that he had observed that Lamoreaux had fallen asleep and that the cook, Terry W. Kimberly, had been tending bar. Austin stated that Kimberly did not have an operator’s license and that he, Austin, did not have an operator’s license.

Officer Shimko made contact with Lamoreaux, who was the bartender on duty and who displayed an operator’s license. Lamoreaux denied that she had fallen asleep or passed out. Lamoreaux stated that she had sat down for a bit. Officer Shimko asked Lamoreaux how much alcohol she had consumed and Lamoreaux stated to Officer Shimko that she had been drinking for New Year’s Eve, and had stopped drinking at 4 or 5 a.m. on the morning of January 1, 2008. Lamoreaux told Officer Diane C. Nachtigal that she had not slept at all prior to opening the bar at approximately 9 or 9:15 a.m. that morning, and she stated “I’m tired as hell. Sgt. Armagost had contact with Jamie L. Lamoreaux,. Sgt. Armagost observed that Lamoreaux appeared to be annoyed at the police presence in Good Times. Lamoreaux reported that she was extremely tired and indicated that other people were supposed to have relieved her as bartender. Sgt. Armagost observed that Lamoreaux had a strong odor of intoxicants on her person and Sgt. Armagost observed that she appeared to be quite intoxicated. Sgt. Armagost asked Lamoreaux if she would be will to submit to a preliminary breath test and Lamoreaux agreed. At or about 7:22 p.m., Sgt. Armagost administered a preliminary breath test to Lamoreaux and the result was a .257 blood alcohol concentration. Lamoreaux stated that she did not expect to be sober because she had been drinking all night. Sgt. Armagost heard Lamoreaux yell “It was New Years Eve, you know?”. Lamoreaux told Sgt. Armagost that she had a least 12 shots last night and had been working at Good Times since early on the morning of that day. Lamoreaux told Madison Police Officer Diane C. Nachtigal, that she stopped drinking alcohol beverages at approximately 4 or 5 am that morning.

Sgt. Armagost noticed a subject who was later identified with a suspended driver’s license as Terry W. Kimberly, who was seated at the bar near the opening the bartender uses to get behind

the bar. Sgt. Armagost observed that Kimberly appeared to be quite intoxicated. Sgt. Armagost noticed Kimberly staggering as he walked to the door holding car keys in his hand. Sgt. Armagost directed Police Officer Xiong to stop Kimberly outside. Officer Xiong told Sgt. Armagost that Kimberly was trying to get into a car in the parking lot of Good Times. Sgt. Armagost asked Kimberly if he would take a preliminary breath test and Kimberly consented. Sgt. Armagost administered a preliminary breath test to Kimberly at 7:27 p.m., and the result was a .254 blood alcohol concentration. Kimberly was identified at the cook at Good Times by Tyrone Austin, another Good Times employee. Austin further stated that Kimberly had been tending bar while the bartender on duty, Jamie Lamoreaux, was asleep or passed out.

O.R. No. 07-154516

FIFTH COUNT: 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 December 26, 2007, at approximately 1:23 a.m., Madison Police Officers Jason D. Johnson and Jason Baumgart were dispatched to Good Times Neighborhood Bar, 57 S. Stoughton Road, in the City of Madison, Dane County, Wisconsin, reference a fight in progress.

Upon arrival at Good Times, the officers observed no active fight, but upon entering Good Times, the officers could see approximately 200 people in Good Times. Officer Johnson had difficulty entering Good Times because there were so many people. At that time the officers exited the establishment and had other officers dispatched to Good Times. The officers contacted one of the security guards at Good Times to have the bar closed down. The officers, along with Sgt. Gonzalez and Officer Troy Faust stood in the area and observed patrons exiting the premises. Officer Johnson observed that it took approximately 45 minutes for the patrons to leave. Officer Johnson made contact with the bartender, who identified himself as Michael Mel. Mel stated he did not know how many people were in the bar. Officer Johnson informed him there had been approximately 200 people in the bar. According to records maintained by the City Clerk of the City of Madison, the capacity for Good Times is 99 patrons.

O.R. No. 07-51483

SIXTH COUNT: Unlawfully, has kept or maintained a disorderly, riotous, indecent or improper house, in violation of Sec. 38.10(1)(a)2., of the Madison General Ordinances, for which the remedy is revocation, suspension or nonrenewal of any license issued pursuant to Chapter 38 of the Madison General Ordinances.

FACTS: On May 12, 2007, at approximately 1:37 a.m., Officer Xiong, Franklin and Michael J. Martin were dispatched to Good Times Neighborhood Bar reference a disturbance. Upon Officer Martin's arrival, Dispatch advised the fight had moved to the PDQ on Milwaukee Street and he proceeded to that location. As Officer Martin was on Highway 51, he observed a mass exodus of vehicles leaving the parking lot of Good Times Neighborhood Bar in all directions.

When he arrived at the premises, only seven vehicles remained in the Good Times Neighborhood Bar parking lot. Officer Martin observed scattered beer bottles, hair pieces and glass in the parking lot. Officer Martin was contacted by an employee of Good Times Neighborhood Bar, a bouncer by the name of Casey Bagley. Bagley told Martin that Bagley was working in the bar on this date and reported the bar was at about half capacity. Bagley told Officer Martin that the patrons were getting along in the bar and that the ratio was about half male and half female. Bagley stated a person yelled out to him about a disturbance in the parking lot of Good Times Neighborhood Bar. Bagley said he looked out the window and saw two male blacks approximately 21-26 years of age chest to chest on the north side of the parking lot arguing. A crowd was forming around the two individuals. Bagley stated he went outside and told the two males to break up the verbal argument. It was not physical in his presence and he got it separated. Bagley's attention was diverted to two females in a physical fight in the south corner of the parking lot of Good Times Neighborhood Bar. The approximate age of the females were in their 20's. Bagley stated as he went over to that side of the parking lot, people began to leave. Bagley went back towards the two men as it appeared they were going to fight, but one of the friends of one of the males got in the way and put the male into a car. Officer Franklin contacted the people who were in the parking lot at the PDQ and confirmed that the people had previously been at the bar.

O.R. No. 07-45334

SEVENTH COUNT: Unlawfully permit an intoxicated person to be on the premises in which alcohol beverages are sold, 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.

FACTS: On April 29, 2007, at approximately 1:42 a.m. Officer Brad D. Ware was dispatched to a report of a male subject causing problems at Good Times Neighborhood Bar at 57 S. Stoughton Road, Madison, Dane County, Wisconsin. When Officer Ware arrived at the premises, Officer Steve Magyera and Officer Ware entered the bar. There was a crowd of about 15 people outside and about 30 people inside. Officer Ware did not observe any disturbance and eventually located the person who had called Dispatch. The caller identified himself as Thomas Aitken, later identified as Thomas R. Aitken, d/o/b 5/31/77. Aitken stated that he had thought "there was a problem. but there was not". Aitkin stated he saw an object and he thought it was a gun. Aitken told Officer Ware he was mistaken and it was something else. Aitken could not specify where he saw the object, if was on a person or that person was present. Officer Ware observed that Aitken kept telling Officer Ware that Aitken was mistaken. Officer Ware observed Aitken to be drinking an intoxicant and was visibly intoxicated. He had slurred speech and was blinking slowly while talking.

O.R. No. 07-39324

EIGHTH COUNT: Unlawfully permit an intoxicated person to be on the premises in which alcohol beverages are sold, 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.

FACTS: On April 15, 2007 at approximately 1:45 a.m., Officer Susan R. Martens initiated a bar check at Good Times Neighborhood Bar, 57 S. Stoughton Road, Madison, Dane County, Wisconsin. Officer Martens asked other officers to report to Good Times Neighborhood Bar to help with crowd control before bar time. Officer Martens assisted the manager, Matt Schmock, in escorting patrons out of the bar. Officer Martens observed that there was a DJ playing and patrons were continuing to be served at 1:55 – 2:00 am. Officer Martens estimated that there were approximately 70-80 patrons in the bar at approximately 2:00 a.m. Officer Martens observed two patrons of Good Times Neighborhood Bar: Thomas Aitkens and Kaitrin Stearns. Officer Martens knew these two individuals from past professional contacts. Officer Martens observed Aitkens with very red bloodshot eyes in appearance. He was stumbling. Officer Martens observed another employee of Good Times Neighborhood Bar give Aitken a bear hug in an attempt to calm him down and cooperate. Officer Martens observed that Aitkens was incapacitated due to the use of alcohol. Aitken approached Officer Martens several times in the bar while Officers Martens was trying to control the crowd at bar time. Patrons did not cooperate with Officer Martens' request to leave the bar and had to be told several times to leave the premises. Officer Martens made contact with Officer Gonzalez in order to ask Officer Gonzalez to run a vehicle plate for Officer Martens. At that time Officer Martens observed Aitken approach Officer Martens from behind and make direct physical contact with Officer Martens. Officer Martens felt Aitken put his right hand on her gun holster and in a response, she swung her right elbow towards his stomach area which had no effect on him. Officer Martens loudly instructed Aitken not to put his hand on her gun. Aitken laughed about the contact. Officer Martens and Officer Gonzalez then placed Aitken in handcuffs due his intoxication level and because Aitken had put his hand on Officer Martens' gun. Aitken was placed in the rear seat of Officer Gonzalez's squad. Officer Martens observed Aitken eyes had a glassy appearance. Officer Martens made contact with Matt Schmock, the bartender on duty and informed him that she believed that Aitken and Stearn were overserved. Schmock did not dispute Officer Martens' allegations and Schmock nodded his head in a manner that indicated to Officer Martens that Schmock agreed with her assessment.

O.R. No. 07-32710

NINTH COUNT: Unlawfully fail to have on the premises the licensee or some person who has an operator's license (bartender's license) in violation of Madison General Ordinances Sec. 38.06(2) and upon conviction thereof shall be subject to a forfeiture of not more than One Thousand Dollars (\$1,000) plus 26% statutory penalty surcharge, \$18 jail and crime lab surcharge, plus court costs and fees.

FACTS: On March 28, 2007 at approximately 1:20 a.m., Sgt. Groehler and Officer Samuel L. Ward, performed a tavern safety evaluation of the Good Times Neighborhood Bar located at 57 S. Stoughton Road, Madison, Dane County, Wisconsin. Officer Ward made contact with Aaron J. Murray who stated that he was the bouncer at the bar and that Sharon Sanabria was the only bartender and other employee at the bar. Officer Ward spoke with Sanabria and asked her if she had her bartender's license and she relied "No, the owner should have it. I applied for it last year

and I was informed that it would be sent to the bar, but I haven't seen it." Murray took Officer Ward to where the bartenders were displayed next to the bar and after looking at the picture frames where the licenses were displayed, neither Murray or Officer Ward were able to observe a license being displayed for Sanabria. Murray then contact the bar manager, Matthew W. Schmock on the telephone and in order to Schmock if he knew where the bartending license was for Sanabria was kept. No one was able to locate a bartenders/operator's license for Sanabria. Sgt. Groehler informed Sanabria and Murray that a licensed bartender must be on the premises at all times during business hours when alcohol beverages are being served and Sgt. Groehler then informed Sanabria to stop serving alcohol beverages at once and to close the bar. Sanabria complied and all the patrons left the bar as they were done with their drinks.

On March 27, 2007, Capt. Jilene Klubertanz of the Madison Police Department contacted the City Clerk's Officer to determine if Sharon Sanabria had a bartenders/operator's license. According to the records at the Madison City Clerk's Officer, Sanabria had applied for her bartender's license on March 28, 2007. She had been granted a provisional license at that time. According to the time stamp on the application, the application for a bartender's license was made on March 28, 2007 at 2:30 p.m. This was approximately 13 hours after she had been contacted at the bar and was in charge of the bar.

O.R. No. 07-6998

TENTH COUNT: Unlawfully, has kept or maintained a disorderly, riotous, indecent or improper house, in violation of Sec. 38.10(1)(a)2., of the Madison General Ordinances, for which the remedy is revocation, suspension or nonrenewal of any license issued pursuant to Chapter 38 of the Madison General Ordinances.

FACTS: On January 20, 2007 at approximately 11:55 p.m., Officer Michael G. Brennan was in full Madison Police uniform in an unmarked Madison Police vehicle. Subsequent to a motor vehicle traffic stop of a white Cadillac Deville, license No. 188-KIX, Officer Brennan made contact with the driver, the only occupant of the vehicle. The driver of the vehicle was later identified as Ashante L. Calvin. Subsequent to his investigation, Officer Brennan placed Calvin under arrest for operating a motor vehicle while suspended, parole violation, illegal window tinting in front and possession with intent to deliver cocaine base. Upon arrival at the Madison Police Department, Officer Brennan conducted an interview of Ashante L. Calvin. Officer Brennan recorded the interview of Ashante L. Calvin. Officer Brennan began the interview at approximately 1:17 a.m. After reading Calvin his constitutional rights, Officer Brennan asked Calvin if he understood his rights and responded "yes". Calvin consented to speaking to Officer Brennan without an attorney present. Officer Brennan questioned Calvin regarding four individually wrapped rocks of suspected crack cocaine. Calvin stated he had purchased the crack cocaine at Good Times Neighborhood Bar, 57 S. Stoughton Road, Madison, Dane County, Wisconsin. Calvin stated he had purchased the crack cocaine in the parking lot of Good Times Neighborhood bar from an individual who had been inside of the Good Times Neighborhood Bar. Calvin stated he had purchased drugs at the bar in the past between 5 and ten times.

OR. No. 07-00106

ELEVENTH COUNT: Unlawfully, has kept or maintained a disorderly, riotous, indecent or improper house, in violation of Sec. 38.10(1)(a)2., of the Madison General Ordinances, for which the remedy is revocation, suspension or nonrenewal of any license issued pursuant to Chapter 38 of the Madison General Ordinances.

FACTS: On January 1, 2007 at approximately 3:10 a.m., Officer Jason Johnson and Officer Susan Martens were dispatched to Good Times Neighborhood Bar, 57 S. Stoughton Road, Madison, Dane County, Wisconsin reference a fight in progress. The complainant, Elizabeth Bratz, informed Dispatch that there were "a bunch of people physically fighting in the parking lot." The complainant also informed Dispatch she had seen one female on the ground and some people were kicking her. The all notes also stated that the bartender on duty, Matthew Schmock, stated that patrons would not leave the parking lot and had started fighting. Officer Martens was already enroute to Good Times Neighborhood Bar in order to perform a routine bar check and her response time was immediate and as she pulled into the parking lot she activated her lights and siren.

Upon arrival at Good Times Neighborhood Bar, Officer Martens observed there were numerous people in the parking lot actively fighting. It appears as though there two or more active fights in different locations of the parking lot. Officer Martens also observed there was a commotion near the south side of the parking lot and at the front entrance. Officer Martens immediately observed the bouncer, Aaron Murray, whom she knew through past professional contacts approach her in the parking lot. Murray stated he had bloodied his hand and long sleeve shirt due to several fights that had ensued. Officer Martens observed a white van near the front entrance of the parking lot that appeared to be leaving the parking lot. Officer Martens then observed a male black, subsequently identified as Ramogi O. Carr, running toward this white van yelling and screaming causing a further disturbance. Officer Martens observed Carr flailing his arms and at that point Murray told Officer Martens that Carr was part of the disturbance in the parking lot. It appeared to Officer Martens that Carr was going to actively fight with the individuals in the white van in preventing them from leaving. Officer Martens displayed her electronic service device and pointed the red laser in the direction of Carr. Officer Martens observed that Carr had several splatters of blood on his shirt. Officer Martens yelled "Police" and ordered Carr to the ground. Carr refused to get on the ground at that point.

Officer Martens stated she had approximately five to six male and female individuals within close proximity of approximately 2-5 feet away from her yelling and screaming at her. Officer Martens estimated the crowd to be 20-30 in people in the parking lot. Officer Martens placed Carr in handcuffs and Carr was placed under arrest for disorderly conduct and was also charged with being an unruly patron. Officer Martens recontacted Murray regarding the incident. As Officer Martens walked inside the bar, she observed several employees cleaning up the bar. Officer Martens observed there were several glass bottles shattered on the floor.

Officer Martens contacted both Murray and Schmock. Schmock told Officer Martens that there were actually two physical fights inside the bar at approximately 2:45 am. No police were called reference these incidents. Officer Martens again asked Murray what had occurred that evening. Murray then told Officer Martens that a gun was involved in one of the incidents in the parking lot. Murray and Officer Martens then made contact with a employee of Good Times

Neighborhood Bar, Rob Johnson. Johnson stated he had observed a male black pull out a gun from his waist band. Officer Martens and Johnson then cased the parking lot reference the gun incident. Johnson located a 9 mm magazine on the south side of the front entranceway. Officer Martens observed that the magazine contained three 9 mm rounds. Officer Martens also observed there were five 9 mm bullets surrounding the magazine in the same location. Officer Martens also observed there was an empty glass bottle of Hennessey laying nearby as well as several broken glass bottles. Johnson and Officer Martens observed that there were several droplets of blood in the Good Times Neighborhood Bar parking lot and one of the parking stalls near the business adjacent to Good Times Neighborhood Bar. Murray stated, "that's where it happened". Murray further stated that there were approximately 5-6 individuals involved in the gun incident. Officer Martens and Johnson also observed there was a white pool cue ball near the blood that was located in the parking lot. Murray informed Officer Martens that he and Johnson were the bounders/security for the evening. Murray informed Officer Martens that he believed Good Times Neighborhood Bar needed approximately five bouncers for a crowd like was in the tavern that evening. Murray told Officer Martens he wanted the tavern to start wandng for weapons in the future.

O.R. No. 06-147440

TWELFTH COUNT: Unlawfully, has kept or maintained a disorderly, riotous, indecent or improper house, in violation of Sec. 38.10(1)(a)2., of the Madison General Ordinances, for which the remedy is revocation, suspension or nonrenewal of any license issued pursuant to Chapter 38 of the Madison General Ordinances.

FACTS: On December 10, 2006, at approximately 1:50 am, Officer Kipp D. Hartman, was parked in a marked squad car in the parking lot next to Good Times Neighborhood Bar, 57 S. Stoughton Road, Madison, Dane County, Wisconsin. Officer Hartman positioned his vehicle outside of Good Times Neighborhood Bar with his headlights facing towards the bar. Officer Hartman was at Good Times Neighborhood Bar because of a prior incident the previous weekend where shots were fired. Officer Hartman stated he was at the location to monitor the crowd leaving the bar that evening.

At approximately 2:06 a.m., Officer Hartman observed several people starting to move rapidly around the entrance of Good Times Neighborhood Bar. Shortly after that, Officer Hartman observed a large crowd come out of Good Times Neighborhood Bar who were pushing and shoving each other. It appeared to Officer Hartman that the crowd was heavily intoxicated and had been over-served. The crowd was shouting and shoving each other and Officer Hartman observed two females physically fighting. Officer Hartman immediately notified Dispatch of the situation to send more officers. Officer Hartman made his way to where the two females were fighting and was able to grab one and pull her out of the fight. Officer Hartman observed that the crowd continued to shout, yell and shove each other even though he had separated one of the main persons causing the disturbance. While standing on the side of the crowd a green glass bottle landed approximately 3 feet away from Officer Hartman, shattering on the ground.

O.R. No. 06-144491

THIRTEENTH COUNT: Unlawfully, has kept or maintained a disorderly, riotous, indecent or improper house, in violation of Sec. 38.10(1)(a)2., of the Madison General Ordinances, for which the remedy is revocation, suspension or nonrenewal of any license issued pursuant to Chapter 38 of the Madison General Ordinances.

FACTS: On December 2, 2006 at approximately 2:09 a.m., Madison Police Officers were dispatched to Good Times Neighborhood Bar, 57 S. Stoughton Road, Madison, Dane County, Wisconsin, reference a report of shots fired. At approximately 2:15 a.m., Officer Marine Yoo and Officer Brad Ware, were dispatched to the area of S. Stoughton Road and west bound Highway 12 reference a traffic stop that Monona Police were attempting to make on a vehicle related to the shots fired at the incident at Good Times Neighborhood Bar. Officers Yoo and Ware arrived on the scene of west bound Highway 12 at Park Street with Monona Police Department at approximately 2:20 a.m. Officer Ware observed the suspect vehicle to be a white Chevrolet Impala bearing Wisconsin license plate No. 894-LLH and observed the vehicle to be occupied by at least 4 suspects.

While Officer Yoo assisted in ordering out the suspects, Officer Ware drew his firearm and stood to the right of the northern most squad to assist in handcuffing the detained suspects.

The first suspect ordered out by Officer Yoo was later identified as Joy N. Anderson. Anderson was placed in handcuffs and informed she was being detained. After frisking Anderson for weapons, Officer Ware placed her in the rear of the squad and continued assisting in the stop. Officer Ware noted that Anderson was the driver of the vehicle. The third suspect who was ordered out of the vehicle was Travis P. Brown. After Officer Yoo ordered Brown out of the vehicle Officer Ware placed him in hand cuffs and escorted him to the rear of the squad where he was frisked for weapons. Shortly after placing Brown in the rear of the squad, Officer Ware learned that a firearm was located underneath Anderson's seat directly in front of where Brown was seated.

At approximately 2:28 a.m., Officer Ware escorted Brown out of the rear of the squad and asked for consent to search his person. Brown consented to a search by Officer Ware. Among other items removed from Brown's pockets was a small plastic baggie with a leafy substance later identified to be marijuana. Officer Ware observed that Brown had slurred speech and an odor of intoxicants coming from his person. Officer Ware again observed the odor of intoxicants when Brown was sitting in the rear of Officer Ware's squad for several minutes. Brown told Officer Ware that he was coming from Good Times Neighborhood Bar. While Brown was in the rear of the squad, Officer Ware observed he appeared to be sleeping or going unconscious repeatedly. Officer Ware determined that Brown was 17 years of age. Brown was arrested for recklessly endangering the safety, carrying a concealed weapon, casual possession of marijuana and underaged drinking.

Officer Gloria Reyes-Blackamore was dispatched to Good Times Neighborhood Bar, 57 S. Stoughton Road, Madison, Dane County, Wisconsin, at approximately 2:09 a.m. Upon arrival at the location, Officer Reyes-Blackamore made contact with the caller identified as Aaron J. Murray, who identified himself as being a bouncer at Good Times Neighborhood Bar. Murray stated to Officer Reyes-Blackamore that there was a black male approximately 6'0", 190 pounds

in his mid 20's wearing a black leather jacket with fur on the hood who possibly had a gun. Officer Reyes-Blackamore asked Murray what vehicle the possible suspect would have fled in, Murray stated it was either a white Chevrolet or a Cadillac. Murray told Officer Reyes-Blackamore that the people in both vehicles were all together. Murray informed Officer Reyes-Blackamore that the male black wearing the black leather jacket with fur on the hood, urinated on the floor inside Good Times Neighborhood Bar.

At approximately 2:45 a.m., Murray was taken to the stop location to identify the suspects. Murray informed Officer Reyes-Blackamore that he could positively identify the black male wearing the leather jacket who urinated on the floor and caused the disturbance. Murray was taken to the location of the white Chevrolet Impala which as stopped at the Park Street and Highway 12 location. Murray was shown five occupants who had been in the vehicle. Murray was able to identify James Edward Lowe as the individual who had urinated on the floor.

II. VIOLATIONS OF PROVISIONS OF CHAPTER 38, MADISON GENERAL ORDINANCES, WITHIN THE MEANING OF SECTION 38.10(1)(A)1., MADISON GENERAL ORDINANCES

1. The complainant adopts by reference and realleges Counts 1, 2, 3, 4, 5, 7, 8 and 9 of Section I, as if stated herein.

III. VIOLATIONS OF PROVISIONS OF CHAPTER 38, MADISON GENERAL ORDINANCES, THAT HAVE RESULTED IN THE ACCUMULATION OF AN EXCESS OF 200 POINTS OF VIOLATIONS RENDERING ANY ISSUANCE OF A FORMAL EXPRESSION OF CONCERN, WITHIN THE MEANING OF SECTION 38.10(4)(D), MADISON GENERAL ORDINANCES, INAPPLICABLE.

1. The complainant adopts by reference and realleges Counts 1, 2, 3, 4 and 5 of Section I as if stated herein.

NOW, THEREFORE , for the above stated reasons, the Complainant demands that the Common Council of the City of Madison suspend or revoke the combination Class B license to sell fermented malt beverages and intoxicating liquors issued to LWS Investments Two, LLC, dba Good Times Neighborhood Bar, 57 S. Stoughton Road, Madison, WI, pursuant to Sec. 38.10(1)(a), Madison General Ordinances.

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

City of Madison Assistant City Attorney, Steven C. Brist, being duly sworn on oath, states that he has read the foregoing Complaint against LWS Investments Two, LLC, dba Good Times Neighborhood Bar, and that the statements are believed to be true of his knowledge, except those which are stated upon information and belief, and as to such matters, he believes them to be true as they are based upon reports by Madison Police Officers filed pursuant to their official duties.

Steven C. Brist
Assistant City Attorney

Subscribed and sworn to before me
this ____ day of March, 2008.

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