

ALRC MEETING OF SEPTEMBER 26, 2018

ROCKY'S LIQUOR WEST POINT DISCIPLINARY ACTION SETTLEMENT AND DEMERIT POINT
ASSESSMENT RECOMMENDATION TO THE ALRC

Address of violation: 4217 W. Beltline Highway
Violation Date: December 31, 2017
Initial Appearance Date: March 19, 2018

Defendant's Attorney: Bryan Cahill, Godfrey & Kahn

Municipal Court Complaint Summary (Complaint attached): The City filed a twenty-one (21)-count complaint against Rocky's Liquor West ("ROCKY'S") for violations that occurred on December 31, 2017. Alder Sheri Carter who observed that Rocky's was open and had customers in the establishment after the lawful closing time initially reported the violations to the West Police District.

The West Police District investigated Alder Carter's complaint and obtained video from Rocky's and detailed their observations of customers in the store and customers purchasing alcohol after the 9:00 p.m. closing time.

Based upon the police reports, the City filed a 21-count complaint with the following violations:

Counts One through Six: Permitting a person to carry out alcohol contrary to Madison General Ordinance 38.06(6) (e) – no carry out after 9:00 p.m.

Counts Seven through Twenty-One: Unlawfully have on premise after 9:00 p.m. persons who are not employees, salespersons, or service personnel performing job-related activities contrary to Madison General Ordinance 38.06(6) (b).

After negotiation, the parties settled the case as follows:

1. Rocky's pled to Count 1 and to Count 7 and agreed to pay a forfeiture of two thousand five hundred eighty one dollars (\$2,581.00). Rocky's has paid the forfeiture.
2. Prior to Rocky's hiring an attorney to represent the business, Gurpreet Ghuman, the owner, refused to accept responsibility for the violations. She had a range of excuses and denials and stated that it was a "special night" because it was New Year's. Part of the settlement agreement was that Ms. Ghuman accept responsibility and admit that she was wrong in allowing customers in the store and allowing them to purchase alcohol after 9:00 p.m. Ms. Ghuman's attorney communicated to me that

Ms. Ghuman accepted that part of the settlement agreement and admitted that she should not have allowed customers in the establishment and should not have allowed them to purchase alcohol.

3. Ms. Ghuman also agreed to a one-day suspension of Rocky's liquor license on a Friday or Saturday and a one-day suspension on a Friday or Saturday that will be held in abeyance for 120 days from the date of imposition.

The maximum demerit points based on Rocky's plea to the two counts is 50. Each count is a 50-point violation, but they occurred on the same day, so only one count is assessed points.

Rocky's previously appeared before the ALRC on October 18, 2017 on another disciplinary action for various license condition violations and law violations. At that time, the ALRC imposed 150 points against Rocky's liquor license. Points remain on a liquor license for one year from the date of violation. The latest violation date for the October 2017 action was February 20, 2017. Thus, at the time of the current violation, Rocky's still had 150 points assessed against it.

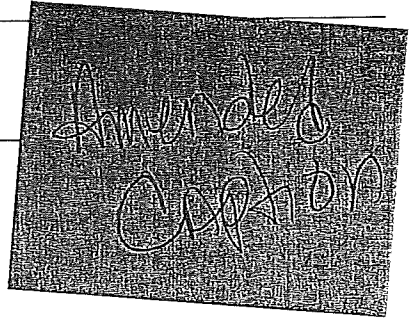
These are the only two municipal court complaints for liquor violations the City has filed against Rock's Liquor West.

CITY OF MADISON,
Plaintiff,

COMPLAINT

v.

Case No.



EAST WASHINGTON LIQUOR INC.
dba ROCKY'S LIQUOR - WEST
c/o: Gurpreet K. Ghuman, Registered Agent
6602 Village Park Dr.
Madison, WI 53718

Defendant.

OFFENSE(S):

ORDINANCES(S) VIOLATED:

(6 counts) Carry-out After 9:00 p.m. Class A

38.06(6)(e)

(15 counts) Non-Service Personnel on Premises After Hours - Class A

38.06(6)(b)

COMPLAINING WITNESS

Captain Jason Freedman, Court Officer

AGENCY & CASE NOs.: 18-00001823

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 12/31/17 and 1/2/18; at Rocky's Liquor West, 4217 West Beltline Hwy., Madison, WI:

As licensee under a City of Madison Class A combination license for the retail sale of fermented malt beverages and intoxicating liquors at the premises known as Rocky's Liquor, 4217 West Beltline Hwy., Madison, WI:

COUNTS ONE through SIX: Unlawfully between 9:00 p.m. and 8:00 a.m. permit a person to carry out or remove from the "Class A" licensed premises, any alcohol beverages contrary to Sec. 38.06(6)(e) of the 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 2, 2018, Madison Police Captain Cory Nelson received an email from Madison Alderperson Sheri Carter indicating that she observed customers leaving Rocky's Liquor at 4217 W. Beltline Highway after 9:00 p.m. on December 31, 2017. In response to Alder Carter's email, Captain Nelson had Madison Police Officer Ryan Henderson respond to Rocky's liquor and request the cash register transaction receipts and interior video. Officer Henderson obtained the video and turned the video over to Lieutenant Lori Chalecki. Lieutenant Chalecki reviewed the video and observed thirteen (13) transactions occurring after 9:00 p.m., and more specifically, the following:

1. At 9:00 p.m., a black male wearing a red shirt purchased Hennessey Cognac.
2. At 9:01 p.m., a black female wearing a gray jacket purchased Budweiser beer.
3. At 9:04 p.m., a black female wearing a maroon jacket with a fur hood purchased Hennessey Cognac.
4. At 9:06 p.m., a black male wearing a multicolored jacket purchased Patron tequila.
5. At 9:09 p.m., a black male wearing a black jacket purchased Svedka vodka.

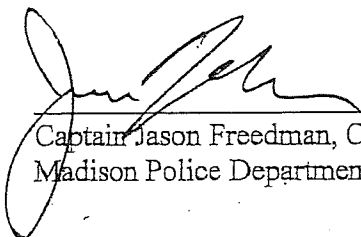
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COUNTS SEVEN through TWENTY-ONE: Unlawfully have on the premises after 9:00 p.m., persons who are not employees, salespersons or service personnel performing job related activities, contrary to Sec. 38.06(6)(b), Madison General Ordinances, and upon 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: Lieutenant Chalecki observed a total of fifteen (15) customers inside Rocky's Liquor after 9:00 p.m. on December 31, 2017. The fifteen individuals who were in Rocky's were not employees performing work-related duties, they were customers or they were accompanying a customer. Lieutenant Chalecki did not provide the names of the individuals, but they are clearly visible on the video.

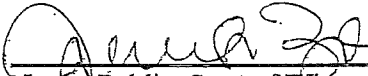
On January 3, 2018, Lieutenant Chalecki had a telephone conversation with Rocky's owner and liquor/beer agent, Gurpreet Ghuman. Ghuman had called Lieutenant Chalecki because she wanted to know what was going to happen regarding the complaint of her being open late on New Years' Eve. Ghuman's defense to allowing alcohol sales after 9:00 p.m. and allowing customers in her store after 9:00 p.m. was because "it's a special night."

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 Ryan Henderson, 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). 18-00001823

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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 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.

