

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

CITY OF MADISON
210 Martin Luther King Jr. Blvd. #401
Madison WI 53703



Complainant,
v.

**AMENDED
COMPLAINT**

DIVINE ORDERS CATERING LLC
d/b/a Divine Orders Catering
Sebrina Smith, Liquor/Beer Agent

Non-renewal of "Class B" Combination
Alcohol Beverage License and City of
Madison Entertainment License

Madison, WI 53713

Respondent.

NOW COMES the City of Madison by Assistant City Attorney, Jennifer Zilavy, 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., Room 401, Madison, Wisconsin, and at all times material to this action, she was and is a member of the Office of the City Attorney, in her official capacity.

2. The Respondent herein, Divine Orders Catering LLC, Sebrina Smith, agent, is the alcohol beverage licensee doing business as Divine Orders Catering at 2122 Luann Lane, 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 Respondent for the period July 1, 2018 through June 30, 2019. 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 Common Council of the City of Madison granted an Entertainment License to Respondent for the period July 1, 2018 through June 30, 2019. However, Respondent never paid for the license

5. Respondent has filed a renewal application for its "Class B" Combination Alcohol Beverage License for the period July 1, 2019 through June 30, 2020.

6. Respondent filed a renewal application for its Entertainment License for the period July 1, 2019 through June 30, 2020.

7. Laverne Buchanan is the owner and operator of Divine Orders Catering at 2122 Luann Lane, Madison, WI.

8. On information and belief, Respondent, under the City of Madison "Class B" Combination Alcohol Beverage License for the premises known as Divine Orders Catering, 2122 Luann Lane, Madison, Wisconsin, has violated various provisions of Sec. 38.10(1)(a) of the Madison General Ordinances and various provisions of Chapter 125 of the Wisconsin Statutes, as set forth in Madison Police Department officers' reports and information received from the City of Madison Finance Department, to wit:

**VIOLATION OF CHAPTER 38 OF THE MADISON GENERAL ORDINANCES AND
WISCONSIN STATE STATUTES WITHIN THE MEANING OF § 38.10(1) (a) (2) MGO,
KEEPING OR MAINTAINING A DISORDERLY OR IMPROPER HOUSE**

1. In 2018, there were 27 noise complaints reported to the Dane County Dispatcher regarding Divine Orders Catering at 2122 Luann Lane. Noise complaints have continued in 2019.

2. On September 29, 2018, at approximately 10:58 p.m., Madison Police Officer Lauren Meverden was dispatched to 2122 Luann Lane for a report of a disturbance. The caller indicated there was loud music coming from vehicles in the lot and that it is an on-

going issue. The complainant said that staff for 2122 Luann Lane was trying to get people to leave and were "shouting at the top of their lungs." The Complainant indicated there were several people arguing and not leaving and that this had been going on for approximately 14 minutes. The initial complaint came in at 10:22 p.m. and due to calls for service Madison Police was unable to respond. At 10:58 pm. The complainant called back and stated that loud music was continuing and that there was a disturbance. Approximately 1 minute after receiving the 10:57 dispatch, Officer Meverden arrived at 2122 Luann Lane and observed that vehicles had just started to leave the lot. Officer Meverden observed approximately 25 vehicles left the lot at the time she arrived on scene. Officer Meverden heard loud yelling and arguing coming from the parking lot in the form of a male voice. Officer Meverden made contact with Laverne Buchanan and asked if she or her staff had called police. Laverne said none of her employees contacted police. Laverne took Officer Meverden into the kitchen to ask if security called police. The "head of security" was identified as Rodney E. Frezier. Frezier was wearing a sweater and jeans. Divine Orders Catering conditions require security to be readily identifiable as security, and Frezier was not readily identifiable as security. Officer Meverden told Laverne she heard yelling from the parking lot upon arrival. Laverne advised that Officer Meverden did not hear yelling and that there was no one yelling on her property. Laverne stated, "no one fights in our parking lot." Laverne stated "her people talk loudly" and that is probably what Officer Meverden heard. Laverne told Officer Meverden that she would not be making contact with Laverne if Laverne was not black. Laverne became extremely agitated and told Officer Meverden that she wanted her

to leave the kitchen area. Frazier admitted to Officer Meverden that he was yelling at people that they needed to leave.

3. On October 9, 2018, at approximately 10:54 p.m., Madison Police Officer Justin Cumley was parked in the rear parking lot of Mattress Firm, located at 2101 W. Beltline Highway, Madison, WI, when he heard what he believed to be 3 gunshots coming from the southwest of his location. Officer Cumley is familiar with Divine Orders Catering operating out of 2122 Luann Lane and he believed the shots were coming from the area of Luann Lane. Officer Cumley responded to Luann Lane and observed JD's food trailer parked in the roadway in front of 2122 Luann Lane. The trailer had its lights activated and it appeared to be open for business. Officer Cumley also observed several vehicles exit the parking lot of 2122 Luann Lane. Officer Cumley pulled into the parking lot at 2122 Luann Lane and observed approximately 20 vehicles in the lot. Officer Cumley observed approximately 30-40 people exit Divine Orders Catering. Dispatch advised that they received a phone call from a citizen who reported hearing three individual gunshots and that she thought she heard some people yelling afterwards. Dispatch received four additional citizen reports of the shots fired. Officer Cumley made contact with an individual identified as Curtis Bell. Bell said he was attending an open mic event at Divine Orders and as in the restroom when he heard several gunshots. Bell said he thought the gunshots occurred further down the road. Madison Police was unable to locate evidence of the shooting.

4. On October 19, 2018, at approximately 11:08 p.m., Madison Police Officer Charles Pratt was dispatched to 2122 Luann Lane for a weapons offense. Dispatch advised that a caller had reported hearing one gunshot and then heard a car speeding off

and people fighting. Another caller stated that they also heard a single gunshot and saw multiple vehicles leaving the scene at a high rate of speed. Upon arrival at 2122 Luann Lane, Officer Pratt observed multiple bottles of liquor in the parking lot as well as other bottles of liquor and beer cans in the bushes surrounding the parking lot. A witness who lives in an apartment next to 2122 Luann Lane said his balcony has an unobstructed view of the parking lot at 2122 Luann Lane and that he saw 30-40 people and approximately 18-20 vehicles in the parking lot in front of 2122 Luann Lane. He said a fight broke out amongst the people in the parking lot and he heard one single gunshot before all the subjects in the parking lot got into their vehicles and left the scene. The Complainant stated that he had an ongoing issue with this address and that it is common for large groups of people to be hanging out in this parking lot and causing a disturbance. A search of the parking lot did not yield any shell casings or evidence of an injured person.

5. On November 11, 2018, at approximately 8:20 p.m., Madison Police Detective Adam Kneubuhler was meeting with Mary Bridges regarding an unrelated investigation. During the conversation, the topic of Divine Orders came up and Detective Kneubuhler asked Bridges if she had ever been there. Bridges stated that she considered herself a “regular” at Divine Orders. Bridges said Divine Orders serves drinks and has bartenders and that they serve small amounts of food, which typically are snacks such as chicken nuggets, chicken wings and pizza rolls. Detective Kneubuhler asked if there was security staff at Divine Orders. Bridges said, “they sometimes have security, but they sometimes don’t.” Detective Kneubuhler asked if security staff wears any type of uniform. Bridges responded that every once in a while someone will have a shirt on that says “security”, but that this is not always the case. Bridges also said sometimes they have someone using

a hand-held metal detector at the door but that it does not happen consistently. Bridges stated there is usually a DJ on weekends and that most people typically go to Divine Orders on weekends after 8:00 p.m. Detective was at Divine Orders Catering on November 12 and 13 2018 obtaining video for an investigation. Both days he was there after 5:00 p.m. and was there for at least 2 hours on November 12 and 1 hour on November 13 for 1 hour. Detective Kneubuhler observed two people enter Divine Orders during both days that he was at Divine Orders. On November 12 and November 13, Detective Kneubuhler did not observe any kitchen staff on hand and the only person present was Laverne Buchanan. Detective Kneubuhler did not see any evidence of food prep or view any evidence of food getting ready to be served. He did not see any evidence that Tacos would be served within a reasonable amount of time if a patron came in to order tacos.

6. On February 23, 2019, at approximately 11:12 p.m., several Madison Police Officers were dispatched to 2022 Luann Lane. The caller stated that the road was totally blocked with people and he could not get to his house. The caller stated that there were approximately 100 people outside. Officer Alina Zulch waited down the street for back up and bleeped her siren a few times hoping that would cause the alleged crowd to disperse. Officer Zulch arrived on scene and spoke with the complainant. The complainant admitted that he exaggerated as to the number of people—he said it was closer to 50. The complainant explained that the entire street was filled with people and vehicles and that most of the people were drinking beers or smoking and going in and out of cars. He stated the parking lot of 2122 Luann Lane was completely filled with people and vehicles as well. The complainant said that there are frequently parties from 8 p.m. to

midnight. Sergeant Engler and Officer Powers were also on scene. They did not see a crowd of people, but they did observe remnants of partying. Officer Zulch observed run-over beer cans, an empty bottle of tequila and a cigarette pack in the parking lot.

7. On November 20, 2018, then Madison Police Lieutenant Matthew Tye signed an affidavit in support of a financial audit of Divine Orders Catering to determine whether Divine Orders is operating as a restaurant. The Alcohol License Review Committee approved the audit request at their November 2018 meeting. On January 24, 2019, Laura Larson from the City of Madison Finance Department mailed the audit request letter to Divine Orders Catering via certified mail. As of February 13, 2019, Laverne Buchanan had failed to pick up the letter. Madison Police Officer Scott Beckfield took on the task of getting the audit letter delivered to Buchanan. Officer Beckfield called Buchanan on February 13, 2019 to arrange for delivery of the letter. She did not answer, so he left her a voicemail. Officer Beckfield spoke with Buchanan on February 14, 2019 and she agreed to meet him on Friday the 15 at 5:00 p.m. to get the letter. Buchanan did not show up to the meeting on February 15. Officer Beckfield left Buchanan a voicemail to call him and she did not. Officer Beckfield called Buchanan again on February 16 and left another voicemail. Officer Beckfield stopped by several times at 2122 Luann Lane on February 15 and February 16. On February 18, 2019, Assistant City Attorney Jennifer Zilavy sent Buchanan an email regarding the City's attempts to contact her regarding the audit. On February 19, Buchanan responded to the email and said she had an emergency medical situation in Chicago with her Mother. On February 19, Buchanan called Officer Beckfield and asked him if he could email the audit letter to him. The letter was emailed and Buchanan acknowledged receipt of it on February 20, 2019. Laura Larson had a

great deal of difficulty getting Buchanan to meet her to conduct the audit and then great difficulty getting Buchanan to submit the records Laura Larson needed for conducting the audit. Buchanan cancelled several appointments. Buchanan finally came forth with the documents after Laura Larson told her there would not be any more opportunities to do so. Buchanan was asked for receipts and records for all of 2018. Buchanan provided records for 106 days in 2018. The records were handwritten receipts, many on random pieces of paper and many of them did not correspond to events Buchanan had advertised. The records provided by Buchanan to Laura Larson were not sufficient for Laura Larson to complete a meaningful audit, which amounts to non-compliance with Madison General Ordinance Sec. 38.05(10).

8. On November 10, 2018 at approximately 10:48 p.m., Madison Police Officer Benjamin Enstrom was dispatched to Meriter Hospital reference a subject who had arrived with a gunshot wound. Officer Enstrom responded and made contact with a woman identified as Cyntrelle Kapinus. Kapinus had driven the victim, identified as Sir Isaac M. Bridges, to the hospital. Kapinus told Officer Enstrom that she and numerous other individuals had been at "Luann's Bar and Grill". Kapinus advised that "Luann's is on Luann Lane. Officer Enstrom asked Kapinus if she knew why shots were fired and Kapinus stated that while she did not observe it, Bridges might have been involved in a fistfight. Kapinus stated that Bridges likely "got the best of him" and believed that this was likely why the unknown subject retrieved a firearm and discharged it. Kapinus stated she had been in the back parking lot at the Luann address and that it was dark and she could not describe the suspected shooter other than to say he had "short dreads on top." Kapinus told Officer Enstrom that this "guy came from nowhere" and that she observed

him as he approached with a handgun pointed at Bridge's chest. Kapinus then heard one shot and saw Bridges "go down," Kapinus stated that Bridges then got up and asked her where her car was. Her car was near the front of the property at 2122 Luann Lane. She got Bridges into her car and drove him to Meriter Hospital. On November 12, 2018, Madison Police Detective Adam Kneubuhler was conducting a follow-up investigation regarding the November 10, 2018 shooting of Bridges at 2122 Luann Lane and contacted Laverne Buchanan at 2122 Luann Lane. Detective Kneubuhler asked Buchanan if she was working the night of November 10, 2018. Buchanan stated that she was. Detective Kneubuhler asked Buchanan if she remember anything significant happening that night at her establishment and she stated that she did not. Buchanan denied there had been any disturbance at her bar that night. Buchanan denied there was a fight outside her bar on November 10, 2018. Detective Kneubuhler that there was evidence that someone was shot outside her bar on November 10 and Buchanan stated it seemed like a normal night. Buchanan stated that she closed up the bar and left. She stated that when she exited her building she saw two police cars across the street, which according to Buchanan was typical for the area. Detective Kneubuhler informed Buchanan that there was a large bloodstain on the back exit of her bar. Buchanan stated she was unaware how it got there. At this point, Detective Kneubuhler began watching the surveillance video from Divine Orders with Buchanan standing by. At 10:42 in the video, an individual named Jackie Morris quickly comes into the bar and is talking to Buchanan. Morris appears on the video to be emotional. Detective Kneubuhler asked Buchanan about this interaction and pointed out to her that people can be seen on the video running toward the exits of her bar. Detective Kneubuhler then asked Buchanan if the video triggered her memory of

November 10, 2018. Buchanan stated that there may have been a disturbance but that she did not have any details about it. Detective Kneubuhler felt that Buchanan was not going to tell him anything she remembered from November 10, 2018 and the interview concluded.

9. On November 13, 2018, then Madison Police Captain Paige Valenta returned a phone call to Carol Winrich, who wanted to speak to Captain Valenta regarding a possible weapons offense at 2122 Luann Lane over the past weekend. Winrich is the property manager at 2122 Luann Lane. Winrich stated that Buchanan was substantially behind in her rent and was on a payment plan paying between \$100 and \$200 cash per week. Captain Valenta asked Winrich what type of business Divine Orders Catering is. Winrich responded, "It's supposed to be a restaurant and bar." Winrich went on to state that Buchanan added a bar and that the establishment now sells a lot of liquor. Winrich stated, the establishment "doesn't look like a restaurant" inside. Winrich told Captain Valenta that the purpose of getting in touch was to ask what time the weapons offense occurred this past weekend. Winrich said Buchanan needs to close her establishment by 11:00 p.m. and Winrich said that if the weapons offense happened before 11:00 pm. She was going to make sure that Buchanan and Divine Orders Catering was "out." Winrich stated that she had been text message Buchanan and Buchanan claimed that the weapons offense occurred after the establishment had closed. Winrich stated that on Sunday, November 11, 2018, she had walked through the building and during her walk-through she saw blood inside the vestibule of Divine Orders Catering. Winrich further advised that she had seen chairs overturned inside Divine Orders Catering. Winrich stated that a person would have to have a key that accesses Divine Orders Catering in order to get to the area

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 NON-RENEW the “Class B” Combination Alcohol Beverage License and the Entertainment License issued to Divine Orders Catering LLC, for the premises known as Divine Orders Catering, 2122 Luann Lane, Madison, Wisconsin.

Assistant City Attorney Jennifer Zilavy, being duly sworn on oath, states that she has read the foregoing Complaint against DIVINE ORDERS CATERING, LLC d/b/a Divine Orders Catering, 2201 Luann Lane, 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 reports by Madison Police Officers filed pursuant to their official duties, and official records from the City of Madison Clerk's office.

Notary Public, Dane County, Wis.
My Commission expires: NOT.