

STATE OF WISCONSIN

BEFORE THE ALCOHOL
LICENSE REVIEW COMMITTEE
OF THE CITY OF MADISON

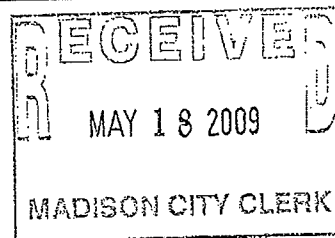
DANE COUNTY

CITY OF MADISON

Complainant,

v.

SUMMONS



University Sports Inc.
D/B/A Johnny O's Restaurant and Bar
John Okonek, Agent
1402 Eldorado Court
Waunakee, WI 53597

Non-renewal of Class "B" Combination
Alcohol Beverage License

Respondent.

To each person named above as a defendant:

You are hereby summoned and required to appear before the Alcohol License Review Committee of the City of Madison Common Council at its meeting of May 26, 2009, in Room ~~1110~~³⁰⁰, Madison Municipal Building, 215 Martin Luther King Jr. Blvd., Madison, Wisconsin, at 6:30 p.m., to answer to the attached Complaint for University Sports, Inc., d/b/a Johnny O's Restaurant and Bar, John Okonek, Agent, 620 University Avenue, Madison, WI 53703.

Dated this 15th day of May, 2009.

David A. Hart
ALRC Chairperson

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

CITY OF MADISON,

Complainant,

vs.

**NONRENEWAL
OF CLASS "B" COMBINATION
ALCOHOL BEVERAGE LICENSE**

UNIVERSITY SPORTS INC
d/b/a Johnny O's Restaurant and Bar
Jon Okonek, Agent
620 University Ave
Madison, WI 53703,

Respondent.

NOW COMES the City of Madison by Kristen Roman, Lieutenant of the
Madison Police Department, and alleges as follows, that:

1. The Complainant, Lieutenant Kristen Roman, is an adult resident of the
City of Madison, with a business address of 211 S Carroll St., Madison, Wisconsin, and
at all times material to this action, she was and is a member of the City of Madison Police
Department, in her official capacity.

2. The respondent herein, University Sports Inc, Jon Okonek, agent, is the
alcohol beverage licensee doing business as Johnny O's Restaurant and Bar, 620
University Ave, 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 renewal of
respondent's Class B Combination Alcohol Beverage License for the period July 1, 2008

through June 30, 2009. 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. Respondent has filed a renewal application for his Class B Combination Alcohol Beverage License for the period July 1, 2009 through June 30, 2010.

5. In August 2008 an Alcohol License Emergency Response Team ("ALERT") meeting was held with Jon Okonek, ("Okonek") to discuss alleged violations of Chapter 38, the City's liquor code, of the Madison General Ordinances ("MGO") and to explore possible solutions to these problems in order to avoid further and repeated disciplinary actions.

6. On November 19, 2008 Madison Police Department's Central Community Policing Team held a special training session for all employees of Johnny O's, including Okonek, in attempt to educate Okonek and his employees in order to facilitate compliance with Chapter 38, MGO.

7. 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 Johnny O's, 620 University Ave, Madison, Wisconsin, has, since the above meetings, continued to violate various provisions of Chapter 38, MGO, as set forth in Madison Police Department officers' reports, to wit:

**VIOLATIONS OF CHAPTER 38 OF THE MADISON GENERAL ORDINANCES
WITHIN THE MEANING OF SEC. 38.10(1)(a)1 MADISON GENERAL
ORDINANCES**

8. On May 8, 2008, at approximately 11:43 p.m., Madison Police Officers Kraig Knutson and Jason Johnson reported that five underage patrons were allowed into Johnny O's in violation of Sec. 38.04(2)(b) [Unlawfully Permit Underage Person On

Licensed Premise]. Officer Knutson first contacted Anna Myaskovsky, D/O/B [REDACTED]. She had been drinking alcohol on the rooftop deck when contacted. She admitted showing a fake North Carolina driver's license to door employees to gain entry into Johnny O's. Officer Knutson confiscated this driver's license and issued Myaskovsky a citation for Underage Person Enters Licensed Premise. Next, Officer Knutson contacted Elizabeth Miracle, D/O/B [REDACTED] who admitted to showing a fake New Jersey identification card to door employees to gain entry into Johnny O's. Officer Knutson confiscated this identification card and issued Miracle a citation for Underage Person Enters Licensed Premise. Officer Knutson then contacted Rebecca Miller, D/O/B [REDACTED]. Miller admitted to showing a fake South Carolina driver's license, which she purchased of the Internet, to the door employees to gain entry into Johnny O's. The lamination on this ID was in poor condition and stated it was not a DL but was for identification purposes only. Officer Knutson confiscated this identification card and issued Miller a citation for Underage Person Enters Licensed Premise. Officer Johnson contacted Jenna Westrick, D/O/B [REDACTED], on the rooftop deck. Westrick provided Officer Johnson an Indiana ID that appeared to be fake. Officer Johnson confiscated this identification and issued Westrick a citation for Underage Person Enters Licensed Premise. Officer Johnson then contacted Karli Levin, D/O/B [REDACTED], who provided Officer Johnson a Michigan ID that appeared to be fake. Officer Johnson confiscated this identification and issued Levin a citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #08-123598.

9. On May 24, 2008, at approximately 1:39 a.m., Madison Police Officers Jason Johnson and Kraig Knutson reported that two underage patrons were allowed into

Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. Officer Knutson contacted Ashley Maltz, D/O/B [REDACTED] who was in possession of beer when contacted. She admitted that she was allowed into Johnny O's without producing identification because friends of hers knew an employee. Maltz was issued a citation for Underage Person Enters Licensed Premise. Officer Johnson contacted Lindsay McGuire, D/O/B [REDACTED]. McGuire admitted to showing a New York driver's license that was not hers to the door employees to gain entry into Johnny O's. The license she used had a birth date of [REDACTED], presenting McGuire as being five years older than she actually was. Officer Johnson confiscated the driver's license and issued McGuire a citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #08-139624.

10. On May 31, 2008, at approximately 1:00 a.m., Madison Police Officers Carrie Hemming and Kraig Knutson report that three underage patrons were allowed into Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. Officer Hemming contacted Britta Rowan, D/O/B [REDACTED] and Noah Welhouse, D/O/B [REDACTED], inside Johnny Os'. Both individuals indicated they were under the age of twenty-one and both were issued citations for Underage Person Enters Licensed Premise. Officer Knutson contacted Callie Supple, D/O/B [REDACTED]. Supple admitted to showing another person's Illinois driver's license to door employees to gain entry into Johnny O's. The driver's license she used had a birth year of 1983, making her 24 years of age. Officer Knutson indicated that Supple did not look 24 years of age, nor did she look like the photograph or match the physical description provided on the license. Officer Knutson confiscated the driver's license and issued Supple a

citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #08-146715.

11. On June 1, 2008, at approximately 12:57 a.m., Madison Police Officers Kraig Knutson and Carrie Hemming contacted two underage patrons who were allowed inside Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. Officer Knutson contacted Erin Seider, D/O/B [REDACTED] on the rooftop deck. She admitted to entering Johnny O's without producing any identification because the people she was with knew an employee who worked here. Seider was issued a citation for Underage Person Enters Licensed Premise. Officer Hemming contacted Nicholas Balge, D/O/B [REDACTED], who was also on the rooftop deck. Balge indicated he had consumed alcohol at Johnny O's. He admitted to showing his real driver's license showing him to be only 20 years old to the door employee to gain entry into Johnny O's. Balge was issued a citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #08-147821.

12. On June 6, 2008, at approximately 12:15 a.m., Madison Police Officers, Jason Johnson, Tim Radke and Kraig Knutson reported that three underage patrons were allowed inside Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. Officer Johnson contacted Andrea Christensen, D/O/B [REDACTED], inside Johnny O's. Christensen stated she had shown a driver's license that is not hers to the door employees to gain entry into Johnny O's. Officer Johnson confiscated the driver's license that showed a birth year in 1982, making Christensen 25 years old and issued Christensen a citation for Underage Person Enters Licensed Premise. Officer Radke contacted Leora Grushka, D/O/B [REDACTED], on the rooftop deck. Grushka

admitted to showing a fake Minnesota driver's license to the door employees to gain entry. Officer Radke confiscated the driver's license and issued Grushka a citation for Underage Person Enters Licensed Premise. Officer Knutson contacted Corey Dick, D/O/B [REDACTED], on the rooftop deck. Dick admitted to consuming alcohol at Johnny O's. He also admitted to showing a Wisconsin driver's license that was not his to the door employee to gain entry into Johnny O's. Officer Knutson noted that the driver's license he used showed a height of 5'9", while Dick is actually 6'1". Officer Knutson also indicated that the physical descriptions, as well as the photograph on this license did not resemble Dick. Officer Knutson confiscated the driver's license and issued Dick a citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #08-153209.

13. On June 7, 2008, at approximately 12:27 a.m., Madison Police Officer Jason Johnson reports that one underage patron was allowed inside Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. Officer Johnson contacted Emily Crawford, D/O/B [REDACTED], who admitted to showing a fake California driver's license with her correct name and birthday, but incorrect birth year, to the door employees to gain entry into Johnny O's. Officer Johnson confiscated the fake driver's license and issued Crawford a citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #08-154545.

14. On July 26, 2008, at approximately 12:30 a.m., Madison Police Officers Angie Dyhr and Javier Loreda report that two underage patrons were allowed inside Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person

On Licensed Premise]. Officer Loreda contacted Deanna Harris, D/O/B [REDACTED] and Leah Zaharoff, D/O/B [REDACTED] who indicated that they had climbed over a fence to gain entry into the front outdoor beer garden area. However, they both also had fake Massachusetts's driver's licenses on their persons, which they turned over to Officer Loreda. Harris and Zaharoff were each issued citations for Underage Person Intentionally Carries Identification to Convey False Information. This incident can be found under Madison Police Case #08-211854.

15 On August 3, 2008, at approximately 12:24 a.m., Madison Police Officer Grant Humerickhouse reports that one underage patron was allowed inside Johnny O's in violation of Sec. 38 04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. While conducting a bar check inside Johnny O's, Officer Humerickhouse contacted Charise Mancheski, D/O/B [REDACTED] Mancheski was observed holding a mixed drink of alcohol. Mancheski surrendered a driver's license that was not hers to Officer Humerickhouse. That driver's license showed a birth year of 1981. Mancheski was issued a citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #08-221015

16. On August 23, 2008, at approximately 1:11 a.m., Madison Police Officers Grant Humerickhouse, Jason Johnson, and Carrie Hemming report that four underage patrons were allowed inside Johnny O's in violation of Sec. 38 04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. Officer Humerickhouse contacted Lauren Piscione, D/O/B [REDACTED] after watching her exit Johnny O's. Piscione smelled strongly of intoxicants and admitted to showing her altered New York driver's license to the Johnny O employees to gain entry. Officer Humerickhouse confiscated this

driver's license and issued Piscione a citation for Underage Person Not To Possess/Consume Alcohol off Licensed Premise. Officer Johnson contacted David Gilberg, D/O/B [REDACTED], who had exited Johnny O's. Gilberg admitted to showing a driver's license that was not his to Johnny O's employees to gain entry. Officer Johnson confiscated that driver's license and issued Gilberg a citation for Underage Person Enters Licensed Premise. Officer Johnson then contacted Emily Bader, D/O/B [REDACTED] after watching Bader enter Johnny O's without providing identification to any door employee. Bader had a beer in her hand and was drinking the beer, when contacted by Officer Johnson inside Johnny O's. She also was in possession of a fake New York driver's license, which Officer Johnson confiscated. Bader was issued citations for Underage Person Not To Possess/Consume Alcohol Off Licensed Premise and Underage Person Enters Licensed Premise. Officer Hemming contacted Lauren Cayne, D/O/B [REDACTED], on the rooftop deck at Johnny O's. Cayne originally said she was let into Johnny O's without having to produce identification because she knew an employee. Once she was told that Johnny O's uses video surveillance at the entrance, Cayne admitted to showing a New York driver's license that is not hers to door employees to gain entry. She said she passed this driver's license off to a friend who was over twenty-one when she got in. Cayne was issued a citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #08-243538 and 08-243569.

17. On October 11, 2008, at approximately 12:27 a.m., Madison Police Officer Jason Johnson reports that one underage patron was allowed inside Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise] Officer Johnson contacted Lauren Klein, D/O/B [REDACTED], inside Johnny O's.

Klein had in her possession a fake Colorado driver's license with her correct name and birthday, but incorrect birth year. Officer Johnson confiscated the fake driver's license and issued Klein a citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #08-299303.

18. On October 24, 2008, at approximately 1:35 a.m., Madison Police Officer Grant Humerickhouse reports that two underage patrons were allowed inside Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. Officer Humerickhouse contacted Danielle Coren, D/O/B [REDACTED], and Kelly Klein, D/O/B [REDACTED], inside Johnny O's. Officer Humerickhouse had recognized Coren from past police contacts as being under twenty-one years of age. Coren surrendered a fake New York driver's license to Officer Humerickhouse and was issued a citation for Underage Person Enters Licensed Premise. Officer Humerickhouse then contacted Klein, who originally indicated she was over 21 years of age. Klein eventually produced her New York driver's license, which had been altered to change her date of birth from [REDACTED] to [REDACTED]. Officer Humerickhouse confiscated this license and issued Klein a citation for an Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #08-312875.

19. On January 22, 2009, at approximately 11:55 p.m., Madison Police Officers Grant Humerickhouse and Jason Johnson report that eight underage patrons were allowed inside Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. Officer Humerickhouse contacted Eric Goldstein, D/O/B [REDACTED]. Goldstein produced a fake New Jersey driver's license to Officer Humerickhouse insisting it was real. Officer Humerickhouse knew that this

identification was fake because the hologram images were inconsistent with images on a real New Jersey driver's license. Goldstein was issued citations for Underage Person Intentionally Carrying ID Not Theirs, Underage Person Not To Possess/Consume Alcohol On Licensed Premise, Underage Person Enters Licensed Premise and Obstructing a Peace Officer. Officer Humerickhouse then contacted Bari Pelton, D/O/B [REDACTED] inside Johnny O's. Pelton produced a New York driver's license that had been altered. This driver's license showed a picture of someone other than Pelton and it was obvious that the date of birth had been altered. Pelton was issued a citation for Underage Person Enters Licensed Premise. Officer Humerickhouse then contacted Jessica Rauchman, D/O/B [REDACTED], after seeing her engaged in aggressive behavior towards another patron. Once outside, Officer Humerickhouse noted Rauchman had been drinking. Rauchman stated that she walked into Johnny O's without having to produce identification because she told the door employees that she was just going inside to find her roommate. Rauchman was issued a citation for Underage Person Enters Licensed Premise. Officer Johnson contacted Corey Hein, D/O/B [REDACTED] and Alexander Valley, D/O/B [REDACTED] who were inside Johnny O's ordering a pitcher of beer. Both Hein and Valley had fake identification on them, which they turned over to Officer Johnson. Hein and Valley were issued citations for Underage Person Enters a Licensed Premise. Officer Johnson then saw Emily Bader, D/O/B [REDACTED], inside Johnny O's. He knew Bader from past police contacts, was under twenty-one years of age. Bader admitted she walked into Johnny O's without having to produce identification to the door employees. Bader was issued a citation for Underage Person Enters Licensed Premise. Officer Johnson then contacted Taylor Mahan-Rudolph, D/O/B [REDACTED], inside Johnny O's. She produced a

fake Texas driver's license that Officer Johnson confiscated. Mahan-Rudolph was issued a citation for Underage Person Enters Licensed Premise. Officer Johnson then contacted Gabrielle Wolin, D/O/B [REDACTED] inside Johnny O's holding a bottle of beer. Wolin originally produced a New York driver's license that was obviously not her in the photograph. Wolin than admitted it was her sister driver's license and that she was under twenty-one years of age. Officer Johnson confiscated the driver's license and issued Wolin a citation for Underage Person Enters Licensed Premise. Officer Humerickhouse reported that as he and Officer Johnson entered Johnny O's on several occasions, other patrons who were never contacted by police left the establishment en mass, even though it was not time for Johnny O's to close. This incident can be found under Madison Police Case #09-21493.

20. On January 24, 2009, at approximately 12:20 a m , Madison Police Sergeant Tony Fiore and Officers Jason Johnson and Grant Humerickhouse report that four underage patrons were allowed inside Johnny O's in violation of Sec 38.04(2)(b), MGO [Unlawfully Permit Underage Person On License Premise] Officer Johnson contacted Alexander Pruzinsky, D/O/B [REDACTED] and Jacob Dejno, D/O/B [REDACTED] inside Johnny O's as they were drinking beer. Denjo readily admitted that he was underage and had showed a friend's license to door employees to gain entry to Johnny O's. Denjo was issued a citation for Underage Person Not To Possess/Consume Alcohol Off Licensed Premise. Johnson then contacted Pruzinsky who indicated that his identification was at the bar, he then attempted to flee from Officer Johnson. Pruzinsky was caught and surrendered a fake Virginia driver's license with correct name and birthday on it, but with an incorrect birth year. Pruzinsky was issued citations for Obstructing a Peace Officer,

Underage Person Not To Possess/Consume Alcohol On Licensed Premise, Underage Person Enters Licensed Premise and Underage Person Intentionally Carrying ID Not Theirs. Sergeant Fiore contacted Ian Ragonese-Barnes, D/O/B [REDACTED], inside Johnny O's. Ragonese-Barnes had been with Denjo and Pruzinsky and had been observed by Officer Johnson drinking beer. Ragonese-Barnes indicated that his identification was at the bar, he then attempted to flee from officers. He was caught by Sergeant Fiore and admitted to walking into Johnny O's without having to produce any identification to the door employees. Ragonese-Barnes was issued citations for Underage Person Enters Licensed Premise and Obstructing a Peace Officer. Officer Humerickhouse contacted Khyllie Urban, D/O/B [REDACTED], inside Johnny O's. Urban produced a fake driver's license to Officer Humerickhouse and was issued a citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #09-22652.

21. On January 30, 2009, at approximately 12:50 a.m., Madison Police Sergeant Tony Fiore, and Officers Grant Humerickhouse and Jason Johnson report that fourteen underage patrons were allowed inside Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. As Sergeant Fiore approached Johnny O's he observed approximately forty people pushing and shoving trying to get to the front door, there was no organized line and the individuals standing in front of the group were extremely tightly packed in. At the door Sergeant Fiore observed a bouncer standing with his arm braced across the threshold of the door, preventing anybody from entering Johnny O's. Inside Johnny O's, Sergeant Fiore contacted Jessica Ward, D/O/B [REDACTED] and Lauren Edelman, D/O/B [REDACTED]. Ward produced a fake Texas driver's license that had her correct name and birth date on it, but

her incorrect birth year. Edelman produced a fake New York driver's license with her correct name and birth date but incorrect birth year. Both fake drivers' license were confiscated and both individuals were written a citation for Underage Person Enters Licensed Premise. Sergeant Fiore then contacted Gabriel Katz, D/OB/ [REDACTED], who originally produced a fake Texas driver's license but later admitted he was underage producing his real New York driver's license. The fake driver's license was confiscated and Katz was issued a citation for Underage Person Enters Licensed Premise. Next Sergeant Fiore contacted Matthew Siegel, D/O/B [REDACTED], who stated that he showed his real New York driver's license that showed his birth date to be in [REDACTED] making him eighteen years old, to door employees in order to gain entry into Johnny O's. Siegel stated to Sergeant Fiore "They don't even care. You just hand it to 'em and they hand it back to you and let you in.", speaking about the door employees and the fact that he was under the age of twenty-one. Siegel was issued a citation for Underage Person Enters Licensed Premise. Next Sergeant Fiore contacted Ariel Rischall, D/OB [REDACTED], who stated he did not have any form of identification that was not him. He said he did not have to produce any identification to the door employees in order to gain entry into Johnny O's. Rischall was issued a citation for Underage Person Enters Licensed Premise. Officer Johnson contacted Arielle Garti, D/O/B [REDACTED], Sarah Osman, D/O/B [REDACTED], and Marc Sideroff, D/O/B [REDACTED], inside Johnny O's. Garti and Osman both admitted to not having to produce any identification to the door employees to gain entry. Sideroff first lied that he was twenty-one but later admitted that he did not have any identification on him and that he was nineteen years of age. Garti, Osman and Sideroff were issued citations for Underage Person Not To Possess/Consume Alcohol On Licensed Premise.

Officer Johnson then contacted Jessica Rauchman, D/O/B [REDACTED], inside Johnny O's. Officer Johnson recognized Rauchman from prior police contact. Rauchman asked Officer Johnson to "give her a break". Rauchman was issued a citation for Underage Person Enters Licensed Premise. Officer Humerickhouse contacted Marc Ehernman, D/O/B [REDACTED], inside Johnny O's. Ehernman was consuming intoxicants at the bar. When asked, Ehernman surrendered his fake identification. Ehernman was issued a citation for Underage Person Enters Licensed Premise. Next Officer Humerickhouse contacted Jonathan Rosenbaum, D/O/B [REDACTED], inside Johnny O's. Rosenbaum appeared to have been drinking alcohol and surrendered his fake identification. Rosenbaum was issued a citation for Underage Person Enters Licensed Premise. Next Officer Humerickhouse contacted Elissa Alster, D/O/B [REDACTED], inside Johnny O's. Alster appeared to have been drinking alcohol. She surrendered her fake New York driver's license when asked. Alster was issued a citation for Underage Person Enters Licensed Premise. Officer Humerickhouse next contacted Michaela Jones, D/O/B [REDACTED], inside Johnny O's. Jones appeared to have been consuming alcohol. When asked, Jones surrendered her fake Massachusetts's driver's license. Jones was issued a citation for Underage Person Enters Licensed Premise. Next Officer Humerickhouse contacted Cody Milch, D/O/B [REDACTED] inside Johnny O's. Milch appeared to have been drinking alcohol and surrendered his fake New York's driver's license. Milch was issued a citation for Underage Person Enters Licensed Premise. During the time that officers were inside Johnny O's, Sergeant Fiore observed numerous patrons leave Johnny O's even though it was well before the bar's closing time. Sergeant Fiore believed that if more officers had been available to assist, even more underage patrons would have been found. Officers

watched as patrons tried to scurry away from them, but they could only detain so many people at a time. This incident can be found under Madison Police Case #09-28242.

22. On February 6, 2009, at approximately 1:17 a.m., Madison Police Sergeant Tony Fiore and Officers Grant Humerickhouse, Javier Loreda, Jason Johnson and Carrie Hemming report that eight underage patrons were allowed inside Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. As Sergeant Fiore was entering Johnny O's, he saw Evan Shusterhuff, D/O/B [REDACTED] attempting to exit in a hurry. Sergeant Fiore observed a strong odor of intoxicants coming from Shusterhuff and that his speech was slurred. Shusterhuff initially stated that he did not have any identification on him but then eventually surrendered his fake identification. Shusterhuff admitted to consuming a few alcohol beverages inside Johnny O's. Shusterhuff was issued a citation for Underage Person Enters Licensed Premise. Sergeant Fiore, then observed Chloe Sepelmaier, D/O/B [REDACTED] who appeared to avoid eye contact with Sergeant Fiore. Sepelmaier stated that she did not have any identification on her and that she had snuck past security at the front door without providing any identification. Sepelmaier was issued a citation for Underage Person Enters Licensed Premise. Sergeant Fiore then contacted Joanne Nathan, D/O/B [REDACTED], who attempted to avoid contact with Sergeant Fiore by attempting to walk away. Sergeant Fiore was able to make contact with Nathan and Lisa Chiswick, D/O/B [REDACTED] both indicated that they did not have identification on them. They stated that they were able to get into Johnny O's by "wedging in", which they described as several persons would attempt to enter Johnny O's at the same time and they would just move through as well. Nathan and Chiswick were issued citations for Underage Person Enters Licensed

Premise. Officer Humerickhouse contacted Jade Port, D/O/B [REDACTED] and Samantha Glass, D/O/B [REDACTED], inside Johnny O's. Port had a fake Illinois identification card and Glass had a fake California Identification card. Both fake identification cards were surrounded to Humerickhouse. Port and Glass were issued citations for Underage Person Enters Licensed Premise. Officer Loredo was standing outside Johnny O's, when he saw Gregory Mortner, D/O/B [REDACTED], exit. Mortner stated that he did not have any identification and that he had gained access to Johnny O's by climbing over a small wrought iron fence that leads to the smoking area of Johnny O's. Mortner was issued a citation for Underage Person Enters Licensed Premise. Officer Johnson contacted Melissa Jurist, D/O/B [REDACTED], inside Johnny O's. Jurist stated that she did not have any identification and was just going to leave. Jurist attempted to walk around from Officer Johnson and had to be physically restrained. Jurist was issued a citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #09-35135.

23. On February 22, 2009, at approximately 1:40 a.m., Madison Police Officer Linda Trevathen was conducting a bar check at Johnny O's, when she contacted Michael Hastings, D/O/B [REDACTED]. Hastings provided a driver's license from Texas, which Officer Trevathen believed to be fake based on the markings. Hastings insisted that the identification was not fake, Officer Trevathen continued to ask Hastings to be honest about his age, however, Hastings continued to insist he was over the age of twenty-one. Upon further investigation Officer Trevathen was able to discover Hastings actual date of birth, Hastings admitted to lying to Officer Trevathen. Hastings was issued citations for Underage Person Entering a Licensed Premise (violation of Sec. 38.04(2)(b), MGO

[Unlawfully Permit Underage Person On Licensed Premise], Underage Person Not To Possess/Consume Alcohol On Licensed Premise (violation of Sec. 38.04(1)(a)2 [Selling To Underage], Underage Person Intentionally Carries Identification Showing That They Obtained Legal Drinking Age With Knowledge That The Documentation is False and Resisting a Peace Officer. This incident can be found under Madison Police Case #09-51661.

24. On February 27, 2009, at approximately 1:07 a.m., Madison Police Officer Javier Loreda contacted three underage patrons who were allowed inside Johnny O's in violation of Sec 38 04(2)(b), MGO (Unlawfully Permit Underage Person On Licensed Premise]. Officer Loreda contacted Alexa Bernstein, D/O/B [REDACTED], Jordyn Gottlieb, D/O/B [REDACTED] and Jessica Gottlieb, D/O/B [REDACTED], who indicated that they did not have any type of identification on them. All three stated that they were under the age of twenty-one and eventually provided Officer Loreda with their true identification. All three women were issued citations for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #09-56796.

25. On February 28, 2009, at approximately 12:21 a.m. Madison Police Sergeant Tony Fiore and Officers Carrie Hemming and Pedro Ortega-Mendoza report that three underage patrons were allowed inside Johnny O's in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. Sergeant Fiore contacted Preston Paulson, D/O/B [REDACTED], inside Johnny O's. Paulson insisted that he used his own identification that showed he was eighteen years of age to gain entry into Johnny O's. Sergeant Fiore contacted the bouncer at the door and showed him Paulson's identification and informed him of Paulson's statements that he had used this

identification to enter Johnny O's, the bouncer did not dispute or attempt to repudiate this fact. Paulson was issued a citation for Underage Person Enters Licensed Premise. Officer Hemming contacted Emily O'Donnell, D/O/B [REDACTED], inside Johnny O's. O'Donnell first stated she was of legal drinking age but then later admit that her friend had provided her with identification from New York to gain entry into Johnny O's and that she in fact was under the age of twenty-one. O'Donnell was issued a citation for Underage Person Enters Licensed Premise. Officer Ortega-Mendoza contacted Ryan Marshall, D/O/B [REDACTED], inside Johnny Os'. Marshall stated that he was over twenty-one years of age and that he did not have any identification with him. Upon further investigation Officer Ortgea-Mendoza found a fake identification card on Marshall. This fake identification card did not resemble Marshall in that the photograph did not resemble Marshall and the height was 6'03" and weight of 199, while Marshall's real identification showed a height of 6'01' and weight of 165. Marshall was issued a citation for Underage Person Intentionally Carries Identification Not Their Own. This incident can be found under Madison Police Case #09-57886.

26 On March 27, 2009, at approximately 2:05 a m., Madison Police Officers Pedro Ortega-Mendoza, Linda Trevarthen and Javier Loreda report that four underage patrons were allowed inside Johnny O's in violation of Sec. 38.40(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. Officer Ortega-Mendoza observed Jason Abel, D/O/B [REDACTED], in the outside patio of Johnny O's. When Abel saw Officer Ortega-Mendoza he quickly put his beer down and proceeded to walk quickly away from the officer. When asked for identification, Abel provided Officer Ortega-Mendoza with an identification card that showed a date of birth of 8/11/85. Abel

indicated this was the only identification he had on him. Abel did eventually admit that this was a fake identification card and provided his true identification to Officer Ortega-Mendoza. Officer Ortega-Mendoza confiscated the fake identification card and issued Abel citations for Obstructing a Police Officer and Underage Person Intentionally Possess Identification That Is Not Theirs. Officer Trevarthen contacted Sarah Howard, D/O/B [REDACTED] inside the outdoor patio of Johnny O's holding a beer. When asked for identification Howard provided a Pennsylvania photo driver's license with a D/O/B of 9/7/83. Officer Trevarthen noted that the photograph in the license did not resemble Howard and that Howard did not appear to be twenty-five years of age. Howard eventually admitted that the driver's license was her sisters and that her true age was twenty. Howard was issued a citation for Underage Person Enters Licensed Premise. Officer Loredo contacted Melanie Goodman, D/O/B [REDACTED], in the outside patio of Johnny O's drinking from a 12-ounce bottle of Miller Lite beer. Goodman indicated that she was nineteen years of age and that she did not have any fake identification on her. Officer Loredo searched Goodman's purse and located a California driver's license that showed an age of twenty-one, this identification was confiscated by Officer Loredo. Goodman was issued citations for Underage Person Not To Possess/Consume Alcohol On Licensed Premise and Obstructing a Peace Officer. Officer Loredo contacted Erica Etkin, D/O/B [REDACTED], inside Johnny O's. When asked for identification Etkin provided Officer Loredo a Texas photo driver's license. Officer Loredo indicated that the license appeared to be of poor quality and was possible fake. Etkin continued to insist that the driver's license was a picture of her and was not fake. Etkin eventually admitted that the driver's license was false and that his actual age was nineteen not twenty-two as the fake

driver's license indicated. Officer Loredo confiscated the fake driver's license and issued Etkin citations for Underage Person Enters Licensed Premise and Obstructing a Peace Officer. This incident can be found under Madison Police Case #09-85565.

27. On April 10, 2009, at approximately 12:40 a.m., Madison Police Officers Carrie Hemming, Javier Loredo and Keri Berling report that eight underage patrons, including one seventeen year-old were allowed inside Johnny O's in violation of Sec. 38 04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise] Officer Hemming contacted Carly Rosenberg, D/O/B [REDACTED] and Carly Roth, D/O/B [REDACTED] inside Johnny O's and asked for identification. Rosenberg and Roth attempted to walk away from Officer Hemming. Officer Hemming was able to detain both, women, who admitted to being under the age of twenty-one. Rosenberg produced a fake New York driver's license, which was confiscated. Roth also had a fake New York driver's license and the picture on the license did not appear to be Roth, the identification was confiscated. Rosenberg and Roth were both issued citations for Underage Person Enters Licensed Premise and Obstructing a Police Officer. Inside Johnny O's, Officer Hemming then contacted Samantha Glass, D/O/B [REDACTED] who Officer Hemming knew from prior police contact. Glass indicated that a friend of hers knows an employee of Johnny O's and that she simple walked into Johnny O's without providing any identification. Glass was issued a citation for Underage Person Enters Licensed Premise. Officer Hemming then contacted Nora Bloom, D/O/B [REDACTED], inside Johnny O's. Bloom provided a California driver's license with her true information on it. Bloom indicated that she had provided this license to Johnny O's staff and gained entrance. Bloom was issued a citation for Underage Person Enters Licensed Premise. Officer Hemming contacted

Rachel Dickens, D/O/B [REDACTED], inside Johnny O's, as Dickens attempted to walk away from Officer Hemming. Dickens identified herself verbally but then provided an Illinois driver's license. The photograph on the license did not match Dickens' physical appearance. Officer Hemming asked Dickens to walk outside to the beer garden area where it was quieter, Dickens instead quickly left Johnny O's and began walking down the street. Officer Hemming was able to stop and detain Dickens. Officer Hemming then noticed an odor of intoxicants on Dickens. Officer Hemming confiscated the fake license and issued Dickens citations for Resisting a Peace Officer, Underage Person Intentionally Carries Identification Not Their Own, Underage Person Enters Licensed Premise and Underage Person Not To Possess/Consume Alcohol On Licensed Premise. Officer Loreda contacted Stephanie Demetrius-Lalas, D/O/B [REDACTED], inside Johnny O's. Demetrius-Lalas provided an Illinois driver's license that contained her personal information and that she was nineteen years of age. Demetrius-Lalas was issued a citation for Underage Person Enters Licensed Premise. Officer Behrling contacted Samantha Grebow, D/O/B [REDACTED], inside Johnny O's. Officer Behrling asked Grebow for her identification and Grebow attempted to walk away from Officer Behrling. Grebow was stopped by Officer Behrling and stated she was nineteen years of age. Grebow indicated that she entered Johnny O's without producing any form of identification and that she was not checked by bouncers. Grebow was issued a citation for Underage Person Enters Licensed Premise. Officer Berling then contacted Arielle Garti, D/O/B [REDACTED], standing inside of Johnny O's. Garti at first stated that she did not have any identification on her but then later provided Officer Berling with a fake identification card, which was confiscated. Garti stated that she did not use the fake

identification to get into Johnny O's and had walked in without showing any identification. Garti was issued a citation for Underage Person Enters Licensed Premise. This incident can be found under Madison Police Case #09-100056.

28. On April 18, 2009, at approximately 1:46 a.m., Madison Police Officers Brian Chaney, Javier Loreda and Linda Trevarthen were conducting a routine bar check at Johnny O's when they encountered several underage patrons in violation of Sec. 38.04(2)(b), MGO [Unlawfully Permit Underage Person On Licensed Premise]. Officer Chaney observed Matthew Brody, D/O/B [REDACTED], exit Johnny O's. Officer Chaney believed Brody to be under the age of twenty-one so he stopped Brody and asked for identification. Officer Chaney smelled alcohol coming from Brody's breath as he spoke. Brody stated he had been inside Johnny O's and had consumed alcohol inside. Brody provided Officer Chaney with a fake Wisconsin driver's license that he had provided to bouncers at Johnny O's and then entered. The image on the photograph did not resemble Brody and the license provided a height of 6'3" and a weight of 185 pounds. Brody's height is 5'10" and weight is 150 pounds. Officer Chaney confiscated the fake driver's license and issued Brody a citation for Underage Person Not To Possess/Consume Alcohol On Licensed Premise. Officer Loreda was in the upstairs outside patio area of Johnny O's, when he observed suspicious behavior between Kristine McCormick, D/O/B [REDACTED] and Jordan Ludwig, D/O/B [REDACTED]. McCormick sat on Ludwig's lap and then appeared to be manipulating her shirt and was either removing or putting something in the waistband of her pants. Officer Loreda contacted Ludwig and requested that Officer Trevarthen contact McCormick. Officer Loreda asked Ludwig for identification and was provided a UW Madison ID card, which does not have a date of birth. Officer Loreda

asked on several occasions for identification from Ludwig with a date of birth, Ludwig continually stated he did not have to provide such information. Officer Loredo then escorted Ludwig outside Johnny O's, where Ludwig finally produced a New Jersey ID that showed Ludwig was under the age of twenty-one. Ludwig was issued citations for Underage Person Enters Licensed Premise and Obstructing a Peace Officer. Officer Trevarthen contacted McCormick who stated that she was twenty-one years of age and had no identification on her. Officer Trevarthen asked McCormick on several occasions for identification and McCormick insisted she did not have any. A civilian who was riding along with Officer Trevarthen stated that she saw an ID sticking out from McCormick's waistband. Officer Trevarthen confronted McCormick with this information who at first stated she did not have any identification but then eventually did pull a fake Texas driver's license from her waistband. McCormick stated that she had been consuming alcohol inside Johnny O's. McCormick was issued citations for Underage Person Enters Licensed Premise, Underage Person Not To Possess/Consume Alcohol on Licensed Premise, Underage Person Carries Identification Knowing the Information Contained Therein is False and Obstructing a Peace Officer. This incident can be found under Madison Police Case #09-108390.

29. On April 18, 2009, at approximately 1:46 a.m., Madison Police Officers Carrie Hemming and Linda Tervarthen were standing in the 600 block of University Avenue, outside Johnny O's. A Johnny O's bouncer contacted the officers and stated that there was a female in the bathroom passed out. (A violation of Sec. 38.04(1)(a)3 [Permit Intoxicated Person On Licensed Premise]. When Officer Hemming entered the bathroom she observed Juewei Cheng, D/O/B [REDACTED], beginning to stand up with the assistance

of a Johnny O's employee. This employee stated that when she entered the bathroom she saw Cheng beneath the stalls and appeared to be passed out. Cheng's underwear was around her ankles and the employee helped to dress her. The employee said that prior to police arrival Cheng was completely unresponsive. Officer Hemming contacted Cheng, who appeared extremely intoxicated and was not making coherent sentences. Cheng was placed into protective custody and transported to Detox. At Detox Officer Hemming reviewed Cheng's passport it appeared that the birth date on the passport had been altered from [REDACTED] to [REDACTED], making it appear that Cheng was over the age of twenty-one. Cheng was issued citations for Underage Person Enters Licensed Premise and Underage Person Possessing Identification that was Altered to Convey False Information. This incident can be found under Madison Police Case #09-108456.

30. On February 6, 2009, at approximately 1:17 a.m., Madison Police Officer Carrie Hemming was conducting a routine tavern safety evaluation inside Johnny O's. Officer Hemming observed Joanna Adams, D/O/B [REDACTED], who was passed out in a corner of the bar. Officer Hemming contacted Adams to see if she was all right. Adams was very intoxicated and unable to locate anyone to help her get home and unable to locate her coat. Officer Hemming believed Adams was too intoxicated to take care of herself. Adams was deemed incapacitated and transported to Detox. Violation of Sec. 38.04(1)(a)3 [Permit Intoxicated Person On Licensed Premise]. This incident can be found under Madison Police Case # 09-35135.

**IN VIOLATION OF MADISON GENERAL ORDINANCES SEC. 38.10(1)(a) 2,
KEEPS OR MAINTAINS A DISORDERLY HOUSE**

1. On May 10, 2008, at approximately 12:51 a.m., John O'Connell, employee of Johnny O's, contacted Madison Police Officer Kraig Knutson. O'Connell reported that a male patron was urinating off the rooftop railing at Johnny O's. O'Connell indicated he had contacted the individual on the rooftop and he had his private parts exposed and was actively urinating. Officer Knutson contacted Josh Gooley, D/O/B [REDACTED], who admitted to urinating on the rooftop. Gooley was issued a citation for Depositing Human Waste. This incident can be found under Madison Police Case #08-124797.

2. On May 17, 2008, at approximately 12:04 a.m., Madison Police Officers Kraig Knutson, Carrie Hemming and Tim Radke observed three different incidents occurring on the rooftop beer garden area at Johnny O's. Officer Knutson observed two different times beer cans come off the upstairs beer garden and one plastic beer pitcher being thrown from this location. These objects hit the sidewalk below and came close to hitting pedestrians. This behavior provoked individuals walking on the sidewalk and created a disturbance. Officer Knutson identified Kyle Puisto, D/O/B [REDACTED], on the rooftop garden. Puisto admitted to throwing a cup of beer over the railing but indicated he did so in retaliation for items had been thrown at him. Puisto was issued a citation for Throwing Stones. Officer Hemming observed a white male later identified as Kevin Blau, D/O/B [REDACTED], throwing a cup of beer off the rooftop garden at Johnny O's. Blau was issued a citation for Throwing Stones. Officer Radke contacted Byron Malkus, D/O/B [REDACTED], who admitted that he had thrown a pitcher off the roof top garden at

Johnny O's. Malkus was issued a citation for Throwing Stones. This incident can be found under Madison Police Case #08-132038 and 08-132124.

3. On May 17, 2008, at approximately 1:54 a.m., Madison Police Officer Kraig Knutson was contacting an underage drinker in front of Johnny O's. Officer Knutson could hear a disturbance going on directly outside Johnny O's. Officer Knutson observed Mai Yang, D/O/B [REDACTED] punch Xong Vang, D/O/B [REDACTED] in the face, it appeared as though Vang was attempting to protect himself from these blows. Other Officers were dispatched to outside of Johnny O's due to the multiple fights that were occurring. Officer Brian Chaney conducted an investigation into this incident. Yang stated that he was intoxicated and had been inside Johnny O's and that it was dark but that he was hit and "jumped" and he believed Vang was the aggressor. Vang who had a swollen reddened right eye from being hit by Yang, stated that he did not know Vang and that Vang hit him out of no where. Vang was arrested and charged with Battery and transported to the Dane County Jail. This incident can be found under Madison Police Case #08-132125.

4. On May 18, 2008, at approximately 1:43 a.m., two females contacted Madison Police Officer Reginald Patterson as he was on foot patrol. The women indicated that someone was urinating from the roof of Johnny O's. A witness identified Benjamin Patterson, D/O/B [REDACTED] on the rooftop as being the individual who had urinating off the deck. Patterson was issued a citation for Depositing Human Waste. This incident can be found under Madison Police Case #08-133113.

5. On May 31, 2008, at approximately 1:03a.m., Madison Police Officer Carrie Hemming was contacted by Johnny O's employee, Justin Garczynski, who

indicated he had observed William Kanter, D/O/B [REDACTED], urinating off the rooftop balcony. Kanter admitted to urinating off the roof of Johnny O's and was issued a citation for Depositing Human Waste. This incident can be found under Madison Police Case # 08-146717.

6. On June 6, 2008, at approximately 1:14a.m., Madison Police Officer Carrie Hemming was at Johnny O's with other officers performing a routine tavern safety evaluation, when employee Justin Garczynski and others escorted Martin Pesis, D/O/B [REDACTED], outside. Pesis had refused several requests by the bouncers to not remain on the stairs leading to the rooftop deck. Bouncers were able to escort the patron outside without incident. The patron was banned from the establishment with an Unruly Patron Notice. This incident can be found under Madison Police Case # 08-153225.

7. On June 15, 2008, at approximately 11:55 p.m., Madison Police Officers Jason Johnson and Michael Franklin were on routine foot patrol in the 600 block of University Ave when they saw two patrons of Johnny O's, Aaron Werner, D/O/B [REDACTED] and Matthew Frey, D/O/B [REDACTED] being escorted out of Johnny O's forcibly by employees, including bouncer Christopher Pressley. Pressley informed Officer Johnson that he had seen Frey throw a beer bottle on the rooftop deck. Pressley then informed Frey he had to leave Johnny O's due to this behavior, however, Frey refused to leave. Pressley then began to forcibly remove Frey. Werner then tried to interfere by telling Pressley not to take Frey away that Werner "would handle him". Pressley ended up shoving Werner away with an open palm to his chest causing Werner to fall. Werner claims this fall caused a minor injury to his eye and elbow. Employees, then escorted outside both Frey and Werner. Werner and Fry were intoxicated and were issued citations

for Disorderly Conduct. This incident can be found under Madison Police Case No. 08-164261.

8. On June 21, 2008, at approximately 2:08 a.m., Madison Police Officer Kraig Knutson was on routine foot patrol in the 600 block of University Ave when Johnny O's employees flagged him down reporting a problem. Patron Matthew Worth, D/O/B [REDACTED] was asked and then told by employee, William Rentmeester, that he could not congregate on the stair leading to the rooftop deck. Worth refused to move and Rentmeester began to physically escort him outside. Worth pushed Rentmeester and was swearing at him. Rentmeester along with the assistance of other employees were able to get Worth outside where Officer Knutson had been flagged down. Office Knutson contacted Worth who appeared to be highly intoxicated. Worth was issued a citation for Disorderly Conduct. Worth appeared to be incapacitated due to his alcohol consumption and was taken into protective custody and transported to Detox. This incident can be found under Madison Police Case #08-171120.

9. On June 22, 2008, at approximately 1:39 a.m., Madison Police Officer Jason Johnson was on routine foot patrol in the 600 block of University Ave when he observed Johnny O's employees forcibly escorting David Ellefson, D/O/B [REDACTED] out of Johnny O's. Ellefson was resisting the bouncers. Employee, Nicholas Helt, told Officer Johnson that he had witnessed Ellefson throw an object off the rooftop deck. As he was heading to talk to Ellefson, Helt was stopped by unidentified female patrons of the bar who reported that Ellefson had made obscene gestures and statements towards them. Helt made the decision to remove Ellefson from the bar. Ellefson resisted being removed and tried to swing at Helt. Other employees assisted in controlling Ellefson as they escorted

him outside. Ellefson who was extremely intoxicated was issued a citation for Disorderly Conduct. This incident can be found under Madison Police Case # 08-172170.

10. On June 29, 2008, at approximately 2:32a.m., Madison Police Officers John Boespflug and Corey Urso were dispatched to Johnny O's for a disturbance. Upon arrival Officers Boespflug and Urso saw employees holding down patron Heather Schroeder, D/O/B [REDACTED]. Employee, Nicholas Helt, stated he had seen Schroeder inside the bar throwing a drink at an individual and hitting people with her purse. When they tried to escort her out, she fought with them. Officer Urso contacted Schroeder, who appeared intoxicated and attempted to get Schroeder to comply with his directions. Schroeder refused and was issued citations for Disorderly Conduct and Resisting a Peace Officer. Heather Schroeder's brother, Michael Schroeder, D/O/B [REDACTED], who was also intoxicated, attempted to interfere with her arrest. He was in turn issued citations for Disorderly Conduct and Resisting a Peace Officer. This incident can be found under Madison Police Case # 08-180470.

11. On July 4, 2008, at approximately 12:02 a.m., Madison Police Officers Javier Loreda, Reginald Patterson, and Corey Urso were dispatched to a disturbance at Johnny O's. Patron Jacob Evert, D/O/B [REDACTED] had been involved in a verbal dispute with a bartender on the rooftop deck over the price of a drink. Manager, Jacob Huck, asked Evert to leave Johnny O's due to his behavior, Evert refused to leave. Huck attempted to physically remove Evert who in turn began fighting with Johnny O's staff and kicked Huck in the head and bit bouncer Nick Zimbric, on the elbow. Evert who was intoxicated was arrested for Battery and transported to the Dane County Jail. This incident can be found under Madison Police Case # 08-186316.

12. On July 6, 2008, at approximately 2:16 a.m., Madison Police Officers Tim Radke and Carrie Hemming were monitoring the bar time crowd leaving Johnny O's and Madison Avenue when Johnny O's employee, Jordan Bright, approached the officers reporting that a female patron, Angela Rekowski, D/O/B [REDACTED] had caused a disturbance. Bright said that it was bar time and they were telling all patrons to leave the bar. Rekowski refused to leave and kept trying to get past the bouncers telling them she needed to use the bathrooms. After being told to leave several times Rekowski then forcefully threw a can of beer at the bar, there were three bartenders behind the bar at this time. Rekowski who was intoxicated, was cited for Disorderly Conduct This incident can be found under Madison Police Department Case # 08-188748.

13. On July 18, 2008, at approximately 1:44 a.m., Madison Police Officer Carrie Hemming was on routine foot patrol in the 600 block of University Ave As Officer Hemming approached Johnny Os' she observed Ross Fahey, D/O/B [REDACTED], bleeding from a cut above his left eye. Employees of Johnny O's informed Officer Hemming that Fahey had been in a fight on the rooftop deck of Johnny O's, however no employee actually saw what had caused Fahey's injuries. Fahey was so intoxicated that he did not even recall that he was on the rooftop deck, even though all the employees saw him there. The individual that was suspected of fighting with Fahey was believed to have fled into the bathroom because other unidentified patrons pointed the suspect out to employees, however, Officers were unable to locate the suspect. This incident can be found under Madison Police Case # 08-202519.

14. On July 27, 2008, at approximately 12:57 a.m., Madison Police Officer Grant Humerickhouse was outside Johnny O's and observed an individual urinating off

the rooftop balcony onto the ground below. Officer Humerickhouse identified this individual as Kevin Clevette, D/O/B [REDACTED], and issued him a citation for Depositing Human Waste. This incident can be found under Madison Police Case # 08-213031.

15. On August 15, 2008, at approximately 11:41p.m., Madison Police Officers James McDermott and Steve Heimsness were on routine foot patrol in the 600 block of University Ave when an employee of the Church Key contacted the officers and stated that the officers should respond to Johnny O's because a fight had occurred there. Officers had not been dispatched to Johnny O's for this fight. Upon arriving at Johnny O's, Officers observed two subjects being restrained on the ground by Johnny O's employees. Bartender Richard DeHaven told police that three patrons, Alexander Degnan, D/O/B [REDACTED] Stephen Weber, D/O/B [REDACTED] and Bryan Wilkson, D/O/B/ [REDACTED], all approached the bar. Weber was holding a can of beer that is not sold inside Johnny O's, indicating he had brought it in illegally. DeHaven told Weber to throw the beer away, however, Weber refused. DeHaven told all three individuals that they had to leave Johnny O's and they refused. DeHaven then approached the individuals to escort them out of Johnny O's. Weber then aggressively knocked over a chair and pushed DeHaven. Employee Jordan Bright then tried to intercede and Weber spit on him and punched him. After this happened, the employees were unclear as to what exactly had happened, other than they were able to forcibly remove all three patrons and hold them until police arrived. Weber was arrested for Disorderly Conduct and taken to the Dane County Jail. Degnan was arrested for Disorderly Conduct, Possession of Drug Paraphernalia and Casual Possession of Marijuana in a Public Place and taken to the Dane County Jail. Wilkson refused to comply with police directive and was subsequently

issued a citation for Obstructing a Peace Officer. This incident can be found under Madison Police Case # 08-235442.

16. On August 17, 2008, at approximately 12:40 a.m., Madison Police Officer Carrie Hemming was on routine foot patrol when she contacted Steven Conner, D/O/B [REDACTED], outside of Johnny O's. Conner was holding an opaque plastic cup with a yellow orange liquid inside. Conner indicated that the substance was orange juice and vodka and that he had just left Johnny O's with the drink. Conner was issued a citation for Open Intoxicants on a Public Street or Sidewalk. This incident can be found under Madison Police Case # 08-236582.

17. On September 20, 2008, at approximately 1:21 a.m., Madison Police Officer Carrie Hemming was on routine foot patrol outside of Johnny O's when she observed Gregory Edlin, D/O/B [REDACTED], throw a lighted cigarette off the rooftop deck onto the crowd of people gathering in the ground level outdoor area. Edlin was issued a citation for Disorderly Conduct. This incident can be found under Madison Police Case # 08-275543.

18. On October 11, 2008, at approximately 1:52 a.m., Madison Police Officer Carrie Hemming was on routine foot patrol outside of Johnny O's when she observed bouncer Matthew Muller trying to remove patron Matthew Vengal, D/O/B [REDACTED], from the ground floor outdoor area via going over the metal railing. Officers assisted in removing and detaining Vengal. Muller said he began to remove Vengal because it appeared that he was about to become confrontational with another group of males. Vengal said that while it was true it he was upset, it was because the group of 6-8 unidentified males was calling him racially charged names. Vengal however, was unable

to point out exactly who called him the names. Officer Hemming had previously observed a group of male patrons before this disturbance who appeared very intoxicated and loud, and were chanting at many patrons of both Johnny O's, Madison Avenue and anyone else who happened to walk by. Officers told the group of unidentified males to leave the Johnny O's because of their level of intoxication and their inability to make good choices. This incident can be found under Madison Police Case # 08- 299404.

19. On October 26, 2008, at approximately 1:00 a.m., Madison Police Officer Carrie Hemming was on routine foot patrol in the 600 block of University Ave when she observed bouncer John O'Connell trying to intercede in a disturbance in the line of people waiting to get into Johnny O's. O'Connell pointed out Kiisty Pociask, D/O/B [REDACTED] and Jermal Chandler, D/O/B [REDACTED] as being involved. O'Connell reported that an unidentified patron had stepped in front of Pociask in line. This led to a verbal shouting match between the two and then some pushing and shoving. Because of the dense crowd it was difficult for both O'Connell and Officers to see exactly what occurred in line because the crowd was a mass of people not one specific line waiting to get in. By the time Officers waded into the crowd to detain Pociask and Chandler, the unidentified male patron who had cut in line had fled. Chandler however, was still yelling at O'Connell. Chandler admitted to pushing this individual and yelling and was issued a citation for Disorderly Conduct. This incident can be found under Madison Police Case # 08-315270

20. On October 26, 2008, at approximately 2:25 a.m., Madison Police Sergeant Dave McCaw was in the 600 block of University Ave monitoring the bar time crowd when he saw Ryan Shimko, D/O/B [REDACTED] involved in a pushing match with

another unidentified person just outside the door of Johnny O's. When Sergeant McCaw went to intercede, Shimko continued the pushing and shouting, but this time with another unidentified party. Sergeant McCaw detained Shimko, who was very intoxicated. Shimko was issued a citation for Disorderly Conduct. This incident can be found under Madison Police Case # 08-315340.

21. On January 23, 2009, at approximately 1:58a.m., Madison Police Officers Jason Johnson and Grant Humerickhouse were dispatched to Johnny O's on the report that a bouncer had been punched and an individual was being detained. Upon arrival Officers saw that bouncers were detaining patron James Hausserman, D/O/B [REDACTED]. Employee Riley Schroeder stated that as he was asking patrons to leave at bar time, he accidentally bumped into Hausserman, who took offense to this and threw a beer at Schroeder. Schroeder and other employees then forcibly escorted Hausserman. Hausserman struggled with employees who were trying to remove him and Hausserman punched Schroeder with a closed fist in the nose. Officer Humerickhouse observed Schroeder's nose was red and slightly swollen. Hausserman was very intoxicated and stated he did not remember the incident. Hausserman was cited for Battery and released. This incident can be found under Madison Police Case # 09-21570.

22. On February 15, 2009, at approximately 1:44 a.m., Madison Police Sergeant Galen Wiering responded to Johnny O's for a disturbance. This was at the same time officers were investigating an unrelated event at neighboring Madison Avenue. Dispatch advised that a disturbance had occurred inside Johnny O's. When Sergeant Wiering responded to Johnny O's, he observed Johnny O's employees Nicalus Tatro and Jacob Huck had escorted several patrons outside. Huck was not actually working that

night, he was there as a patron of Johnny O's and felt he needed to assist in the disturbance. One patron Brittany Fermann, D/O/B [REDACTED] was complaining that Huck had elbowed her in the chest. Subsequent investigation showed this was probably not the case and that Fermann made have gotten pushed unintentionally during a disturbance. Huck was simply trying to keep uninvolved parties away from the disturbance that other bouncers were dealing with. This incident can be found under Madison Police Case # 09-44699.

23. On February 28, 2009, at approximately 12:21 a.m., Madison Police Sergeant Tony Fiore was conducting a tavern safety check at Johnny O's, when he observed two long wooden tables positioned in the back of the bar area, with six to eight people crowded around the tables. Sergeant Fiore observed numerous plastic cups on the tables and individuals standing around the tables holding pitchers of beer. As Sergeant Fiore observed this group, he discovered that several of the individuals were playing a commonly known drinking game known as "beer pong". Sergeant Fiore observed this activity for approximately three to four minutes and it appeared to be happening with the Johnny O's staff's knowledge. This incident can be found under Madison Police Case #09-57886

24. On April 10, 2009, at approximately 12:42 a.m., Madison Police Officer Loreda was in the process of issuing a citation to an underage female who had illegally entered Johnny O's, when Justin Camacho, D/O/B [REDACTED], approached and attempted to get the phone number for the underage female. Officer Loreda repeatedly requested that Camacho stop interrupting his investigation and back away from the scene. Camacho

refused to comply with Officer Loredó's request and was issued a citation for Obstructing a Peace Officer. This incident can be found under Madison Police Case #09-100056.

25. On April 17, 2009, at approximately 12:53 a.m., Madison Police Officer Brian Chaney was on a routine tavern check at Johnny O's. While standing on the sidewalk outside Johnny O's, Officer Chaney observed Andrew Cohen, D/O/B [REDACTED], standing in line. Officer Chaney observed Cohen strike another male with a closed fist on his chest. There were approximately forty-five people in line waiting to get into Johnny O's. Cohen's action created a disturbance, Officer Chaney heard multiple people yelling and screaming and observed several people pushing others in line. Cohen was placed in handcuffs and searched. Officer Chaney found a fake Minnesota driver's license in Cohen's pocket. Cohen had a slight odor of intoxicants on his breath. Officer Chaney issued Cohen citations for Underage Person Carries Identification Not Theirs and Disorderly Conduct. This incident can be found under Madison Police Case #09-107038.

**VIOLATED CAPACITY RESTRICTION IN VIOLATION OF MADISON
GENERAL ORDINANCE SECTION 38.12(1)(a)**

1. On May 17, 2008, at approximately 12:04 a.m., Madison Police Officer Carrie Hemming entered Johnny O's to investigate an incident of items being thrown off the rooftop deck. Upon entering Johnny O's, Officer Hemming had to struggle to pass through the lower level due to the large number of patrons inside. Officer Hemming exited Johnny O's to complete her investigation and upon her return 5 minutes later it appeared as though the crowd had thinned out but was still over crowded. Officer Hemming counted 186 individuals on the rooftop deck and 223 individuals on the lower floor of Johnny O's. Officer Hemming reviewed the capacity information behind the bar,

which indicated the capacity was 386. Officer Hemming then again counted and counted 274 individuals on the first level and counted 160 individuals on the rooftop deck. Officer Hemming contacted manager, Marshall Childs, who indicated that he believed the upstairs capacity to be 130, when it is in fact 99. This incident can be found under Madison Police Case # 08-132038.

2. On May 31, 2008, at approximately 1:02 a.m., Madison Police Officer Carrie Hemming was on routine foot patrol when she noticed that the upstairs outdoor beer garden area of Johnny O's appeared to be crowded. Officer Hemming went to the upstairs of Johnny O's and counted 176 patrons. Officer Hemming then reset the counter and walked through the upstairs of Johnny O's again and counted 185 patrons. The legal capacity is 99. This incident can be found under Madison Police Case # 08-146715.

3. On June 1, 2008, at approximately 12:57 a.m., Madison Police Officer Carrie Hemming conducted a routine tavern safety evaluation at Johnny O's. Officer Hemming counted 133 patrons in the upstairs beer garden and the legal capacity is 99. This incident can be found under Madison Police Case # 08-147821.

4. On June 6, 2008, at approximately 12:49 a.m., Madison Police Officer Carrie Hemming conducted a routine tavern safety evaluation at Johnny O's. Officer Hemming used a handheld counter to count the patrons in the upstairs roof beer garden and counted 152 patrons. Officer Hemming then reset the counter and this time counted 153 patrons and the legal capacity is 99. This incident can be found under Madison Police Case # 08-153209.

5. On April 17, 2009, at approximately Madison Police Officer Carrie Hemming reports that the rooftop deck was over capacity. Officer Hemming counted 122 patrons and the legal capacity is 99. In addition the main bar had a dance floor with a DJ set up on this night and the dance floor area was very congested. The layout of the bar is such that patrons need to pass through the dance floor area to access the bathrooms. Officer Hemming noticed it was difficult for patrons to pass through this area. This incident can be found under case # 09-107038.

6. On April 18, 2009, at approximately Madison Police Officer Carrie Hemming reports that the rooftop deck was over capacity. Officer Hemming counted between 169-189 patrons and the legal capacity is 99. This incident can be found under case # 09-108390.

7. On April 17, 2009, at approximately 12:53 a.m., Madison Police Officer Carrie Hemming conducted a routine tavern safety check at Johnny O's. As Officer Hemming approached Johnny O's she noticed a crowd of 50 to 75 people attempting to enter Johnny O's. This large crowd was creating a small crush on the front door. There was not a line to enter, instead people were trying to all get into Johnny O's at the same time. Officer Hemming announced to all these people that no one was permitted to enter Johnny O's until a single line was formed. Officer Hemming then went onto the rooftop deck of Johnny O's and counted the patrons. Officer Hemming counted 122 patrons and the legal capacity is 99. This incident can be found under case # 09-107038.

8. On April 18, 2009, at approximately 12:53 a.m., Madison Police Officer Carrie Hemming conducted a routine tavern safety check at Johnny O's. Officer Hemming entered the rooftop deck area and used a handheld counter to count the patrons.

Officer Hemming counted 189 patrons and then reset the counter and counted 169 patrons on her second pass through the roof top deck. Legal capacity for the rooftop deck is 99. This incident can be found under case # 09-108390.

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 combination Class B Alcohol Beverage License to sell fermented malt beverages and intoxicating liquors for the premises known as, UNIVERSITY SPORTS INC, d/b/a Johnny O's Restaurant and Bar, 620 University Ave, Madison, Wisconsin.

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Madison Police Department Lieutenant Kristen Roman, being duly sworn on oath, states that she has read the foregoing Complaint against University Sports Inc, d/b/a Johnny O's Restaurant and Bar, 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 upon reports by Madison Police Officers filed pursuant to their official duties.

Kristen Roman
Kristen Roman
Madison Police Lieutenant

Subscribed and sworn to before me
this 18th day of May, 2009.
Notary Public, Dane County, Wis.
My Commission expires: is permanent