

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CGB
266-4511

Date: June 18, 2014

MEMORANDUM

TO: Alcohol License Review Committee
FROM: Assistant City Attorney Jennifer Zilavy
RE: Conviction Report

Matterhorn Ventures Group LLC
d/b/a Roast Public House
529 State Street

On March 19, 2014 Pled "no contest" to:

1 Count: Exceeding Lawful Occupancy - Patron Capacity (by 30%)
Date of Violation: 10/11/2013

1 Count: Permitting Entertainment Without Entertainment License
Date of Violation: 10/11/2013

Potential points for assessment: 50 (on capacity violation)

CITY OF MADISON,
Plaintiff,

COMPLAINT

COPY

v.

Case No. _____

MATTERHORN VENTURES GROUP LLC,
A Wisconsin Limited Liability Company
529 State Street
Madison, WI 53703
Defendant.

OFFENSE(S):
(1 count)
Exceeding Lawful Occupancy-- Patron Capacity (by 30%)
(1 count)
Permitting Entertainment Without Entertainment License

ORDINANCES(S) VIOLATED:
38.13(1)(a)
38.06(11)

COMPLAINING WITNESS
Assistant City Attorney Jennifer Zilavy

AGENCY & CASE NOs.: 13-328473

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 October 11, 2013 at Roast Public House, 529 State Street, Madison, WI:

As licensee under a City of Madison Class B combination license for the retail sale of fermented malt beverages and intoxicating liquors at the premises known as Roast Public House, 529 State Street, Madison, WI, by its agents, servants or employees did:

FIRST COUNT: Unlawfully exceeded the lawful occupancy capacity of the establishment to wit: exceeded patron capacity, contrary to Sec. 38.13(1)(a), Madison General Ordinances, for which the violation is a forfeiture of not more than One Thousand Dollars (\$1000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees. 200

SECOND COUNT: Unlawfully allow live entertainment without obtaining an entertainment license to wit: permitted a live disc jockey to play music, contrary to Sec. 38.06(11), Madison General Ordinances, for which the penalty is a forfeiture of not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees for each violation. 500

FACTS: On October 11, 2013 at approximately 12:30 a.m., Madison Police Sergeant Scott Kleinfeldt and members of the Central District Community Policing Team performed a Tavern Safety Inspection at the Roast Public House, 529 State Street, Madison, WI. Upon entering the establishment, Sergeant Kleinfeldt observed that it appeared the establishment was over its 117 person capacity. Sergeant Kleinfeldt walked through the establishment and counted 165 people.

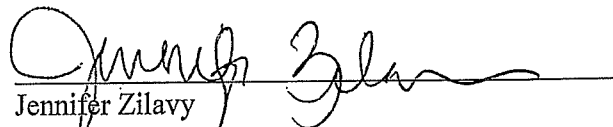
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He walked back the same way he came and counted 170 people. Officer Doberstein also walked through the establishment and counted approximately 180 people. The bouncer told Sergeant Kleinfeldt and Officer Doberstein that he would not allow anyone else in until 60 or 70 people left.

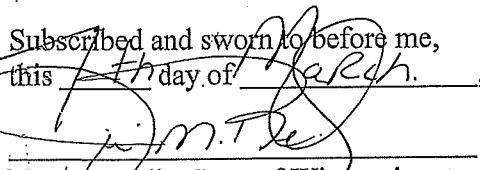
Sergeant Kleinfeldt observed that there was a very large line outside the establishment that was blocking the sidewalk and that people using the sidewalk could not pass. Sergeant Kleinfeldt mentioned this to the bouncer, identified as David, and David said that he was the only one working and he could not control both the line outside and the people entering and exiting the bar.

Sergeant Kleinfeldt observed that the Roast Public House had a DJ playing music inside the establishment. Sergeant Kleinfeldt informed David that the Roast Public House could not have a DJ without an entertainment license.

THIS COMPLAINT IS BASED ON the information and belief of your complainant, Jennifer Zilavy, who is an Assistant City Attorney for the City of Madison and who learned of the above offenses from the reports of Madison Police Department Central District Community Policing Team and other Madison Police Department Officers and Detectives, which reports your complainant believes to be reliable inasmuch as they are based upon direct observations by the Officers and Detectives of the violations and the reports were prepared during the course of the Officers' and Detectives' official duties. Said report can be found in Madison police Department Records under Case No. 13-277490.


Jennifer Zilavy
Assistant City Attorney

Subscribed and sworn to before me,
this 7th day of March, 2014.


Notary Public, State of Wisconsin
My commission is permanent. Expires 2.14.14

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.

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CGB
266-4511

Date: June 18, 2014

MEMORANDUM

TO: Alcohol License Review Committee
FROM: Assistant City Attorney Jennifer Zilavy
RE: Conviction Report

Mad Food Company LLC
d/b/a Hawk's Bar & Grill
425 State Street

On or about April 14 2014 Pled "no contest" to:

1 Count: Exceeding Lawful Occupancy - Patron Capacity
Date of Violation: 10/13/2013

7 Counts: Permit Underage Person on Premises
Date of Violation: 10/13/2013

Potential points for assessment: 25

CITY OF MADISON,
Plaintiff,

COMPLAINT

v.

Case No. _____

MAD FOOD COMPANY, LLC,
A Wisconsin limited liability company
dba Hawk's Bar and Grill
425 State Street
Madison, WI 53703
Defendant.

COPIY

OFFENSE(S): Exceeding lawful capacity
(1 count)
Permit Underaged Person on
Premises (7 counts)

ORDINANCES(S) VIOLATED: 38.07(21)
38.04(3)(b)1

COMPLAINING WITNESS
Assistant City Attorney Jennifer Zilavy

AGENCY & CASE NO.: 13-323123

COURT CASE NO.:

THE ABOVE-NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE-NAMED DEFENDANT, by its agent, servant or employee, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN, on October 13, 2013 at Hawk's Bar & Grill, 425 State Street, Madison, WI:

As licensee under a City of Madison Class B combination license for the retail sale of fermented malt beverages and intoxicating liquors at the premises known as Hawk's Bar and Grill, 425 State Street, Madison, WI, by its agents, servants or employees, did:

FIRST COUNT: Unlawfully violate a condition on an alcohol beverage license application or a condition on the license itself to wit: exceeded patron capacity, contrary to Sec. 38.13(1)(a), Madison General Ordinances, for which the violation is a forfeiture of not more than One Thousand Dollars (\$1000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On October 13, 2013, at approximately 12:33 a.m., Madison Police Officer Daryl Doberstein was conducting a tavern safety inspection at Hawk's Bar and Grill at 425 State Street, Madison, WI. Officer Doberstein had a hand-held counter that he used to keep count of the persons in the bar as he walked through. Officer Doberstein observed that the bar appeared to be quite dense with people at the time of his inspection. Officer Doberstein contacted the front door person, Greg Sullivan, and asked what capacity number they were at. Sullivan stated they were "at capacity". Hawk's legal capacity is 99. Sullivan did not have a hand held counter or any other device that he was using to keep track of capacity. Officer Doberstein made his way through the bar and the count on his device was 159 persons (including 5 staff).

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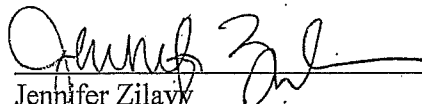
SECOND through EIGHTH COUNTS: Unlawfully permit an underage person unaccompanied by parent, guardian or spouse who has attained the legal drinking age to be on the premises in which alcohol beverages are sold, to wit: Gabriell E. Silva, dob-5/1995; Christopher C. Miller, dob-10/1994; Andrew W. Salomone, dob-6/1994; Samuel T. Van Den Avand, dob-8/1994; Justin E. Doop, dob-03/1994; Lindsey B. Clements, dob-6/1994; Christian W. Blatner, dob-3/1994 in violation of Madison General Ordinances, Sec. 38.04(3)(b)1., for which the penalty is a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: While Officer Doberstein was walking through, several people went back into the men's and women's bathrooms and he did not take count of those individuals. Doberstein walked through the bar and when he started working his way back he observed that the crowd was less dense. Officer Bart O'Shea was standing outside Hawk's when Officer Doberstein went in. Officer O'Shea stated that he observed approximately 70 people flee out the front door onto State Street during that time. Officer O'Shea observed that many of the people leaving appeared to be under the legal drinking age. Officer O'Shea stopped a handful of individual leaving but there were too many for him to stop them all. Officer O'Shea made contact with Gabriell E. Silva, DOB 5/1995 and Christopher C. Miller, DOB 10/1994, both of whom had exited Hawk's.

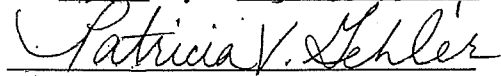
Sergeant Kleinfeldt contacted the following individuals who exited Hawk's: Andrew W. Salomone, DOB 6/1994, Samuel T. Van Den Avand, DOB 8/1994 and Justin E. Doop, DOB 03/1994. Salomone told Sergeant Kleinfeldt that he was in the bar earlier in the evening with his parents and that he was not carded or checked after his parents left. He told Sergeant Kleinfeldt that the restaurant went from being a restaurant to a bar-type venue.

Officer Magolan contacted two individuals who exited the bar and appeared to be underage. They were identified as Lindsey B. Clements, DOB 6/1994 and Christian W. Blatner, DOB 3/1994. Clements had a fake ID that she surrendered and stated that she had used it to get into the bar. Blatner stated that he did not have a fake ID and that he was not carded when he entered Hawk's.

This complaint is based on information and belief of your complainant 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 Sgt. Scott Kleinfeldt, whom your complaint 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. 13-323123.


Jennifer Zilavy
Assistant City Attorney

Subscribed and sworn to before me,
this 12th day of February, 2014.


Notary Public, State of Wisconsin
My commission is ~~permanent~~ expires 11-20-16

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.

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511

Date: June 18, 2014

MEMORANDUM

TO: Alcohol License Review Committee
FROM: Assistant City Attorney Jennifer Zilavy
RE: Conviction Report

Osaka House
505 State Street

On or about April 17 2014 Pled "no contest" to:

1. 1 Count: Permit Intoxicated Person on Licensed Premises
Date of Violation: 11/11/2013
2. 3 Counts: Permitted Live Entertainment Without License
Date of Violation: 2/14/2014
3. 2 Counts: Exceeding Lawful Occupancy – Patron Capacity
Dates of Violation: 2/22/2014 and 3/1/2014

Potential points for assessment: Count 1 (10 points); Count 2 (25 points); Count 3 (50 points)

STATE OF WISCONSIN

MADISON MUNICIPAL

COURTDANE COUNTY

CITY OF MADISON,
Plaintiff,

COMPLAINT

v.

Case No. _____

OSAKA HOUSE
505 State Street
Madison, WI 53703
Defendant.

OFFENSE(S):

ORDINANCES(S) VIOLATED:

(1count) Permit Intoxicated Person to be on
Licensed Premises

38.04(1)(a)3

(3counts) Permitted Live Entertainment Without
License

38.06(11)

(2counts) Exceeding Lawful Occupancy – Patron
Capacity

38.13(1)(a)

COMPLAINING WITNESS

Assistant City Attorney Jennifer Zilavy

AGENCY & CASE NOS.: 13-355885
14-48690
14-55390
14-63686

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 November 11, 2013; February 15, 2014, February 22, 2014, and March 1, 2014 at Osaka House, 505 State Street, Madison, WI:

As licensee under a City of Madison Class B combination license for the retail sale of fermented malt beverages and intoxicating liquors at the premises known as Osaka House, 505 State Street, Madison, WI, by its agents, servants or employees did:

FIRST COUNT: Unlawfully permit an intoxicated person to be on the premises in which alcohol beverages are sold, in violation of Sec. 38.04(1)(a)3. of the Madison General Ordinances, for which the penalty is a forfeiture of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge; plus court costs and fees.

FACTS: On November 11, 2013 at approximately 5:30 p.m. Madison Police Officer Matthew Baker was dispatched to Osaka House, 505 State Street, Madison, WI for a passed out female in the bathroom. Apparently the female had been locked in the bathroom for over an hour. Upon arrival Officer Baker found a woman identified as Tameka D. Stover, DOB 7/1977, sitting on the toilet in the bathroom with the lid down. Stover had urinated on herself. Stover was transported to detox where her breath alcohol was determined to be .30. Madison Police Case No. 13-355885

SECOND COUNT: Unlawfully exceeded the lawful occupancy capacity of the establishment to wit: exceeded patron capacity by 24, contrary to Sec. 38.13(1)(a), Madison General Ordinances, for which the violation is a forfeiture of not more than One Thousand Dollars (\$1000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

THIRD COUNT: Unlawfully permitted live entertainment without having an entertainment license in violation of Section 38.06(11), Madison General Ordinances, for which the penalty is a forfeiture of not more than One Thousand Dollars (\$1,000) nor less than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On February 15, 2014 at 11:30 p.m., Madison Police Sergeant Scott Kleinfeldt and other Madison Police Officers were conducting a Tavern Safety Inspection at Osaka House, 505 State Street, Madison, WI. Upon arrival Sergeant Kleinfeldt observed a woman sitting just inside the business and he asked her how many people were upstairs. The woman responded, "I don't know." The woman was the manager's step daughter and she claimed it was her first night working. As the Officers started going up the stairs, 13 people passed them coming down the stairs. When the Officers got to the top of the stairs they observed a large number of people. The capacity for the upstairs is 30 people, and it appeared that they were over that capacity. Sergeant Kleinfeldt counted 41 people in the upstairs. At the time the Officers arrived at Osaka House they were 24 people over capacity. Officer Kleinfeldt spoke with the Manager, Thao Nuon about the establishment being over capacity and Nuon stated that his ordinary door person could not make it in that day and his step daughter was a last minute replacement. As Sergeant Kleinfeldt walked through the upstairs he observed that the middle area was cleared out and people were dancing in the cleared out area. Sergeant Kleinfeldt also observed a person behind a table playing music for the crowd. Madison Police Case No. 2014-48690

FOURTH COUNT: Unlawfully exceeded the lawful occupancy capacity of the establishment to wit: exceeded patron capacity by 14, contrary to Sec. 38.13(1)(a), Madison General Ordinances, for which the violation is a forfeiture of not more than One Thousand Dollars (\$1000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FIFTH COUNT: Unlawfully permitted live entertainment without having an entertainment license in violation of Section 38.06(11), Madison General Ordinances, for which the penalty is a forfeiture of not more than One Thousand Dollars (\$1,000) nor less than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

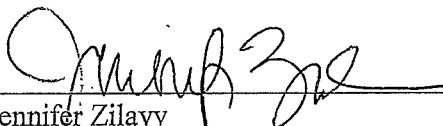
FACTS: On February 22, 2014 at approximately 12:06 a.m., Madison Police Sergeant Scot Kleinfeldt and Officer Bart O'Shea conducted a Tavern Safety Inspection at Osaka House, 505 State Street, Madison, WI. Sergeant Kleinfeldt made contact with the doorman who identified himself as Brady. Sergeant Kleinfeldt asked Brady how many people were upstairs and Brady responded, "about 30". Sergeant Kleinfeldt went upstairs and counted 44 people in the upstairs. Sergeant Kleinfeldt observed the center area of the bar was cleared out and was being used as a dance floor. There was a disco ball shining light throughout the upstairs as well. Sergeant Kleinfeldt observed a male standing near the speakers controlling music on a computer. Sergeant Kleinfeldt told the manager, Thao that Osaka could not have a dance floor or a DJ because they did not have an entertainment license. Thao said that he was going to be at the next ALRC meeting to get the issue addressed. Madison Police Case No. 2014-55390

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SIXTH COUNT: Unlawfully permitted live entertainment without having an entertainment license in violation of Section 38.06(11), Madison General Ordinances, for which the penalty is a forfeiture of not more than One Thousand Dollars (\$1,000) nor less than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.


FACTS: On March 1, 2014 at approximately 12:29 a.m., Madison Police Sergeant Scott Kleinfeldt and Officer Andre Lewis were conducting at Tavern Safety Inspection at Osaka House, 505 State Street, Madison, WI. Sergeant Kleinfeldt and Officer Lewis went upstairs and counted a total of 30 persons. Sergeant Kleinfeldt observed again, that the middle of the upstairs was cleared out and people were dancing and there was a disco light illuminating the dance floor. The manager's son was controlling the music from his IPOD. Madison Police Case No. 2014-63686

THIS COMPLAINT IS BASED ON the information and belief of your complainant, Jennifer Zilavy, who is an Assistant City Attorney for the City of Madison and who learned of the above offenses from the reports of Madison Police Department Central District Community Policing Team and other Madison Police Department Officers and Detectives, which reports your complainant believes to be reliable inasmuch as they are based upon direct observations by the Officers and Detectives of the violations and the reports were prepared during the course of the Officers' and Detectives' official duties. Said report can be found in Madison police Department Records under Case Nos. 13-355885, 14-48690, 14-55390, 14-63686.



Jennifer Zilavy
Assistant City Attorney

Subscribed and sworn to before me,
this 10th day of September, 2014.



Notary Public, State of Wisconsin
My commission is permanent. exp 10-16-16

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.