

**From:** [Nicholas Bratsos](#)  
**To:** [All Alders](#)  
**Subject:** Written Comments on Item #10 (5/19/26 Common Council Meeting)  
**Date:** Tuesday, May 19, 2026 11:50:16 AM  
**Attachments:** [Letter to Common Council \(6600818.2\).pdf](#)

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Please see the attached letter.



**NICHOLAS BRATSOS**

ATTORNEY

DIRECT +1 608-283-1737

PHONE +1 608-257-9521

FAX +1 608-283-1709

[NBRATSOS@BOARDMANCLARK.COM](mailto:NBRATSOS@BOARDMANCLARK.COM)

[BOARDMANCLARK.COM](http://BOARDMANCLARK.COM)

BOARDMAN & CLARK LLP

1 S PINCKNEY ST SUITE 410

PO BOX 927

MADISON, WI 53701-0927

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May 19, 2026

***VIA EMAIL ONLY***

City of Madison Common Council  
210 Martin Luther King, Jr. Blvd.  
Room 201 (City-County Building)  
Madison, WI 53703  
[allalders@cityofmadison.com](mailto:allalders@cityofmadison.com)

**RE: Common Council Meeting, Tuesday, May 19 at 6:30pm  
Matter 92400; Meeting Item 10  
Disciplinary Matter - Revocation Action Fusion Smoke & Spirits LLC, dba  
Fusion 36 S Bassett St**

Dear Members of the Common Council:

Item #10 on the May 19 meeting agenda concerns the Report of the Alcohol License Review Committee (“ALRC”) regarding the license revocation of Jacob McRoberts, dba Fusion Smoke and Spirits LLC (“McRoberts”). McRoberts operated a liquor store out of premises located at 36 South Bassett Street, Madison, WI (the “Premises”). The Premises is owned by Keller Real Estate Group via RHK Family, LLC (“Keller”). I write to urge you to deny the revocation, or in the alternative, to limit its effect to McRoberts, and not the Premises. Keller remains ready, willing, and able to comply with whatever reasonable remedial measure the City would impose to allow Keller to lease the Premises to a reputable, law-abiding liquor store operator.

*1. Factual and Procedural Background*

Keller owns the Premises through a sub-entity and entered into a commercial lease with McRoberts’ predecessor, Mahendran Namasivayam dba Roshan Shivanth, Inv., LLC, in July 2015. The lease was assigned to McRoberts on July 1, 2024, and amended on November 13 of the same year. The lease provides, in part, that the lessee will comply with all statutes, ordinances, rules, order, regulations, and requirements of all federal, state and municipal governments.

Keller received a letter from the Madison Police Department on November 3, 2025, stating that the Premises had been deemed a public nuisance due to McRoberts using it to facilitate the delivery, distribution, or manufacture of a controlled substance. The

City of Madison filed the instant summons and complaint against McRoberts on January 21, 2026, seeking revocation of his Class A liquor license.

A subcommittee of the ALRC held an evidentiary hearing on April 9. On April 29, the ALRC released its report recommending that the license be revoked.

On April 24, Keller served McRoberts with a 5-day notice terminating the commercial tenancy. McRoberts was found guilty of two drug-related felony counts on April 29. *See* Dane County Case No. 2025CF2319. Keller then filed an eviction action on May 5, Dane County Case No. 26SC2933. While the eviction action was pending, Keller negotiated with McRoberts to voluntarily surrender his Class A Liquor License, which he did on May 13. *See* File #92400, Attachment 6.

## *2. Effect of Revocation*

The ALRC seeks to revoke McRoberts' license under MGO 38.10(1)(a)12. and 38.10(1)(a)(1). Under MGO 38.10(1)(c):

When a license is revoked under this subsection, the revocation shall be recorded by the City Clerk and no other license issued under this chapter shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of the revocation.

Keller is not the licensee. However, the revocation recommended by the ALRC would extend not only to McRoberts, but also impair Keller's ability to lease the Premises to a reputable, law-abiding liquor store operator.

Keller represents that it has been negotiating with at least two other liquor store operators who are well known to the City, are reputable liquor license holders, and have no history of disciplinary action. The Premises is already customized with certain fixtures and equipment, including chest coolers, that make it suitable to be operated as a liquor store. If the license is revoked as to the Premises, however, those negotiations will fail, and the Premises will likely remain vacant for the next 12 months.

## *3. RHK's Good-Faith Compliance and Consequence of Revocation*

**Keller does not oppose revoking the license solely as to McRoberts, dba Fusion Smoke and Spirits LLC. However, the City also seeks to prevent Keller from leasing the Premises to another liquor store operator within 12 months from the date of revocation.**

Keller admits that it did not immediately seek to remove McRoberts from the Premises after it received the November 3, 2025 letter from the Madison Police Department. In response, Keller states that it delayed in seeking counsel, but that Keller believed McRoberts had not been in breach of the commercial lease until he was criminally convicted. Keller was therefore unaware of what legal grounds it had under Wis. Ch. 704 to evict him. After retaining counsel, however, Keller did not delay in issuing the 5-day notice terminating the tenancy and moving forward with the eviction. Further, RHK proactively negotiated with McRoberts to voluntarily surrender his license, which he has done. *See* File #92400, Attachment 6.

4. *Request for Relief*

Under the ALRC's reading of MGO 38.10(1)(c), both McRoberts and the Premises will suffer the same fate. On the one hand, McRoberts has been found guilty of multiple drug-related felony charges. On the other hand, RHK delayed in seeking to terminate McRoberts' tenancy. The ALRC would treat these acts as equivalent by imposing the same 12-month revocation.

Moreover, Keller was not named as a respondent, was not formally served with a copy of the summons and complaint, and was not provided notice or an opportunity to object, be heard, or otherwise participate during the pendency of this case. Yet the ALRC now seeks to impose the same punitive sanction on Keller as it would impose on the now-convicted former tenant—namely, revocation of the ability to lease the Premises to a liquor store operator for the next 12 months.

In its April 29 report, the ALRC subcommittee was careful to note that "The Respondent was properly and timely served with the Summons and Complaint." Keller was not. Yet the ALRC now seeks to impair Keller's ability to lease the Premises to a licensed liquor store operator for the next 12 months.

Sincerely,

BOARDMAN & CLARK LLP



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NICHOLAS BRATSOS

**From:** [vishal kumar](#)  
**To:** [All Alders](#)  
**Subject:** Liquor Store 36 S Basset St  
**Date:** Monday, May 18, 2026 8:17:00 PM

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Hello,

My name is Vishal Kumar,

I'm reaching out in regards to the liquor store located on 36 S Basset St. Me and My family would like to become future tenants here if allowed to keep the Liquor license. We are aware of the reason why the license is up to be revoked, and we want to let everyone be aware we have no relation with the previous owner. We know this location was operated as a liquor store for 15 years and we don't want one bad tenant to ruin this local spot. We would like to be able to offer a local community shop to the neighborhood. Thank you.

- Vishal Kumar