

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

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

Complainant,

v.

SUMMONS

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

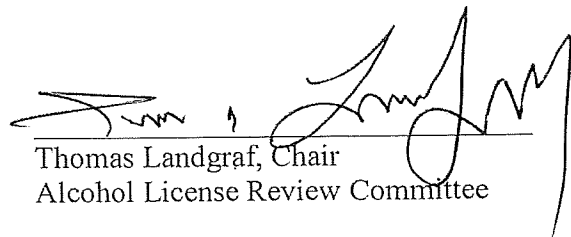
LAURA GARDEN LLC
d/b/a Koi Sushi
XI Wang Filion, liquor/beer agent
502 State Street
Madison, WI 53703

Respondent.

To each person named above as Respondent:

You are hereby summoned and required to appear before the Alcohol License Review Committee of the City of Madison at a special meeting on June 13, 2018 at 5:30 p.m. in Room 354 of the City-County Building, 210 Martin Luther King Jr. Blvd., Madison, WI, to answer to the attached Non-renewal Complaint for Laura Garden LLC, d/b/a Koi Sushi, located at 502 State Street, Madison, Wisconsin.

Dated this 6TH day of JUNE, 2018.


Thomas Landgraf, Chair
Alcohol License Review Committee

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COMPLAINT

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License

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NOW COMES the City of Madison by Assistant City Attorney Jennifer Zilavy,
and alleges as follows, that:

1. The Complainant, Jennifer Zilavy, is an adult resident of the City of Madison, with a business address of 210 Martin Luther King Jr. Blvd., Madison, WI, and at all times material to this action, she was and is a member of the Office of the City Attorney, in her official capacity.
2. The respondent herein, Laura Garden LLC, Xi Wang Filion, agent, is the alcohol beverage licensee doing business as Koi Sushi at 502 State Street, Madison, Wisconsin, according to documents filed with the City Clerk of the City of Madison.

3. The City of Madison Common Council granted Respondent' a "Class B" Combination Alcohol Beverage License for the period July 1, 2017 through June 30, 2018. 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 submitted a renewal application for its "Class B" Combination Alcohol Beverage license for the period July 1, 2018 through June 30, 2019.

5. On information and belief, the licensee, under the City of Madison "Class B" Combination Alcohol Beverage License for the retail sale of those beverages at the premises known as Koi Sushi, Madison, Wisconsin, has violated Sec. 38.10(1)(a) of the Madison General Ordinances, to wit:

VIOLATION OF CHAPTER 38 OF THE MADISON GENERAL ORDINANCES WITHIN THE MEANING OF § 38.05(3) (a)(1), MADISON GENERAL ORDINANCES, EXPANDING OR CHANGING THE LICENSED PREMISES WITHOUT COMMON COUNCIL APPROVAL

1. On May 16, 2018, Madison Building Inspector Jim Sjolander responded to Koi Sushi at 502 State Street in response to a complaint he received regarding the owner of Koi Sushi making changes to the establishment in violation of the building code. Inspector Sjolander observed that Koi Sushi had remodeled the dining room by cutting a hole in a structural wall, and altered the building without securing the necessary permits to do the work. Sjolander informed Koi Sushi that they were over capacity and did not have a sprinklered building and had altered a structural

wall without getting the necessary permits. Inspector Sjolander informed Koi Sushi that these were serious violations. Koi Sushi made these changes to their licensed premise without first applying for a change in licensed premise as required by Madison General Ordinance § 38.05(3)(a)(1). (May 30, 2018 and June 1, 2018 email communications from City of Madison Building Inspector James Sjolander).

VIOLATION OF CHAPTER 38 OF THE MADISON GENERAL ORDINANCES WITHIN THE MEANING OF § 38.10(1)(a)(11) MADISON GENERAL ORDINANCES, FAILED TO OPERATE THE LICENSED ESTABLISHMENT IN ACCORDANCE WITH THE FLOOR PLAN AND PLAN OF OPERATION SUBMITTED TO THE CITY

2. Koi Sushi submitted a plan of operation and floor plan to the Alcohol License Review Committee when it applied for its liquor license. That floor plan did not include the space that became included in the licensed premise when Koi Sushi illegally knocked out the wall to expand the dining room. Koi Sushi did not operate the establishment in accordance with its originally submitted floor plan in violation of Madison General Ordinance § 38.10(1)(a)(11). (May 30, 2018 and June 1, 2018 email communications from City of Madison Building Inspector James Sjolander).

VIOLATION OF CHAPTER 38 OF THE MADISON GENERAL ORDINANCES WITHIN THE MEANING OF § 38.10(1)(a)(12) MADISON GENERAL ORDINANCES, OPERATED THE LICENSED PREMISES IN A MANNER THAT CONSTITUTES A PUBLIC NUISANCE

3. On January 5, 2018, Madison Building Inspector James Sjolander received a complaint that Koi Sushi had made significant alterations to the

upstairs of the building the licensed premise is located in without first submitting plans and obtaining the necessary permits. Inspector Sjolander spoke with the owner of Koi Sushi and told her that they were in violation of the Madison General Ordinances for doing the work without first getting plan approval and permits. On January 5, 2018, Inspector Sjolander wrote Official Orders to the building owner identifying sixteen (16) ordinance violations with a due date for correction of January 18, 2018, and never heard anything from the owner so he forwarded the case to the Madison City Attorney's Office. On May 17, 2018, Inspector Sjolander received another complaint regarding Koi Sushi, this time the complaint was that they cut a large opening in the demising wall to create a new dining room area for the restaurant. Inspector Sjolander observed the cut in the wall and again had a conversation with Koi Sushi about making alterations without approved plans or permits. According to Inspector Sjolander, Koi Sushi has been told on several occasions that they need to have approved plans and permits before they do any work and they have continually ignored this direction. On May 17, 2018, Inspector Sjolander issued another Official Notice with the same sixteen (16) ordinance violations with a due date for corrections of June 8 2018. Repeated violations of an ordinance are a nuisance per se which is a violation of Madison General Ordinance § 3810(1)(a)12). (May 30, June 1 and June 5 emails from Inspector Sjolander and Building Inspection Case No. CB2018-005-00076 and CB2018-123-04339).

