

CITY OF MADISON,  
Plaintiff,

**COMPLAINT**

v.

Case No. \_\_\_\_\_

EAST WASHINGTON LIQUOR INC.  
dba ROCKY'S LIQUOR WEST  
c/o: Gurpreet K. Ghuman, Registered Agent  
6602 Village Park Dr.  
Madison, WI 53718  
Defendant.

**OFFENSE(S):**

**ORDINANCES(S) VIOLATED:**

(7 counts) Violation of License Condition  
(4 counts) No Licensed Bartender on Duty

38.07(19)  
38.06(2)

COMPLAINING WITNESS  
Assistant City Attorney Jennifer Zilavy

AGENCY & CASE NOs.: 17-00012570  
17-00015440  
17-00016113  
17-00019837

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, from 1/14/17 to 2/24/17; at East Washington Liquor Inc. d/b/a Rocky's Liquor West, 6602 Village Park Dr., 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 Rocky's Liquor West, 4217 W. Beltline Hwy., Madison, WI:

FIRST COUNT: Unlawfully violate a condition on an alcohol beverage license contrary to Sec. 38.07(19), 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 January 17 2017 at approximately 4:42 p.m., Madison Police Officer Richard Wipperfurth made contact on the telephone with an individual verbally identified as Benjamin Carter, DOB 9/67. Carter told Officer Wipperfurth that he had purchased five (5) miniature, or "airline" size bottles of intoxicating liquor at Rocky's West, 4217 W. Beltline Highway on January 5, 2017 at approximately 4:35 p.m. The miniature bottles were not displayed in the store and Carter asked the clerk if they had any small bottles to put in a piñata for an adult party. The clerk then grabbed a handful of small bottles from under the counter. Carter stated the bottles were \$1 each. Carter paid for the bottles and left the store. Madison Police Case No. 2017-00012570.



SECOND COUNT: Unlawfully violate a condition on an alcohol beverage license, contrary to Sec. 38.07(19), 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 January 14, 2017, at approximately 7:19 p.m., Madison Police Officer Samuel Ward entered Rocky's Liquor at 4217 W. Beltline Highway in "plain clothes" for purposes of purchasing "airplane" size bottles of intoxicating liquor. Office Ward asked the clerk if he had any small, one-shot bottles he could purchase. The clerk replied, "shorties?" Officer Ward said "yes." The clerk pulled out a white cardboard container-type sleeve and asked Ward how many bottles he wanted. Officer Ward stated he wanted 3 50ML bottles and the clerk pulled out three bottles of E&J VSOP Brandy and put them in a brown paper bag. The Clerk told Officer Ward the price was \$3 and added, "I keep everything easy for the customer, three dollars even." Officer Ward paid for the bottles and left the store. Madison Police Case No. 2017-00015440.

THIRD COUNT: Unlawfully violate a condition on an alcohol beverage licensE, contrary to Sec. 38.07(19), 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 January 15, 2017 at approximately 11:14 a.m., Madison Police Officer Samuel Ward entered Rocky's liquor at 4217 W. Beltline Highway to attempt to purchase "shorties". Officer Ward told the Clerk he wanted to purchase "shorties." The clerk pulled out one bottle from a black plastic bag underneath the counter and then went to the back of the store and came back with a white colored cardboard container full of small bottles of E&J VSOP brandy. The clerk handed Officer Ward 3 bottles and Officer Ward paid for them and left the store. Madison Police Case No. 2017-00016113

FOURTH through SEVENTH COUNTS: Unlawfully violate a condition on an alcohol beverage license, contrary to Sec. 38.07(19), 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 January 18, 2017 at approximately 2:30 p.m., Madison Police Lieutenant Lori Chalecki responded to Rocky's liquor at 4217 W. Beltline Highway with Madison Police Officers Wipperfurth and Alan and Department of Revenue Agents Jason Lee and Kurt Goodreau for purposes of completing an inspection due to the complaints regarding sales of liquor contrary to Rocky's liquor license conditions. In the course of the search, Lieutenant Chalecki observed large quantities of liquor prohibited by the liquor license, specifically, liquor in quantities less than 200ML. Several Madison Police Department Officers participated in the inventory of illegal liquor, which took over 2 ½ hours to complete. The Officers logged over 14,000 (fourteen thousand) bottles of liquor in quantities of 200ML or less. This included bottles on display behind the counter as well as bottles underneath the counter and out of view and bottles in storage rooms. In the course of this inspection, Lieutenant Chalecki also observed the following License Condition violations: #2: No outdoor lights with motion sensors; #3: No exterior video surveillance; #6: No signs prohibiting loitering on the property. Lieutenant Chalecki informed the two employees on site that all illegal liquor had to be removed from the

premises. Lieutenant Chalecki was told by employee Muhammad Ikram that the wholesalers were picking up the illegal bottles in the near future. Madison Police Case No. 2017-00019837

EIGHTH COUNT: Unlawfully fail to have on the premises the licensee or some person who has an operator's license (bartender's license) in violation of Madison General Ordinances Sec. 38.06(2) and upon conviction thereof shall be subject to a forfeiture of not more than One Thousand Dollars (\$1,000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On January 18, 2017 at approximately 2:30 p.m., Madison Police Lieutenant Lori Chalecki responded to Rocky's liquor at 4217 W. Beltline Highway with Madison Police Officers Wipperfurth and Alan and Department of Revenue Agents Jason Lee and Kurt Goodreau for purposes of completing an inspection due to the complaints regarding sales of liquor contrary to Rocky's liquor license conditions. There was one employee working at the time the Officers arrived and that employee was identified as Muhammad Ikram. Ikram did not have an operator's license. Lieutenant Chalecki asked Ikram where the owners of the business were and he stated that they were overseas for an extended period. Eventually Jaspreet Gill arrived at the premises and he had an operator's license that was issued on January 17, 2017. Lieutenant Chalecki informed Ikram and Gill that a licensed operator had to be on the premises at all times. Madison Police Case No 2017-00019837

NINTH COUNT: Unlawfully fail to have on the premises the licensee or some person who has an operator's license (bartender's license) in violation of Madison General Ordinances Sec. 38.06(2) and upon conviction thereof shall be subject to a forfeiture of not more than One Thousand Dollars (\$1,000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On January 19, 2017 at approximately 10:20 a.m., Lieutenant Chalecki responded to Rocky's Liquor at 4217 W. Beltline Highway for a compliance check. Upon arrival, the only employee on site was Muhammad Ikram. Ikram did not have an operator's license and Lieutenant Chalecki informed Ikram on 1/18/2017 that he could not be alone at the premises because he did not have an operator's license. Lieutenant Chalecki ordered Ikram to close the store until a licensed operator was on site. Lieutenant Chalecki reminded Ikram to remove the illegal liquor bottles from the establishment. Madison Police Case No. 2017-00019837

TENTH COUNT: Unlawfully fail to have on the premises the licensee or some person who has an operator's license (bartender's license) in violation of Madison General Ordinances Sec. 38.06(2) and upon conviction thereof shall be subject to a forfeiture of not more than One Thousand Dollars (\$1,000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

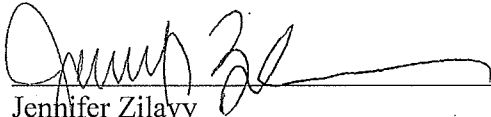
FACTS: On February 20, 2017, at approximately 8:30 a.m., Madison Police Sergeant Charles Weiss responded to Rocky's Liquor at 4217 W. Beltline Highway due to the liquor violations that were consistently occurring at that location. Sergeant Weiss had contact with the employee on site, Muhammad Ikram. Ikram did not have an operator's license and was the only employee on the premises. Madison Police Case No. 2017-00064372

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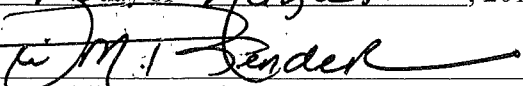
ELEVENTH COUNT: Unlawfully fail to have on the premises the licensee or some person who has an operator's license (bartender's license) in violation of Madison General Ordinances Sec. 38.06(2) and upon conviction thereof shall be subject to a forfeiture of not more than One Thousand Dollars (\$1,000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On February 24, 2017, Madison Police Sergeant Charles Weiss and Officer Wade Gummin responded to Rocky's Liquor at 4217 W. Beltline Highway for a compliance check. Sergeant Weiss made contact with the only employee on premise, Muhammad Ikram. Ikram told Sergeant Weiss he did not have an operator's license. Ikram told Sergeant Weiss the owner was supposed to be there but that he was in the hospital. Sergeant Weiss contacted a female by telephone who identified herself as one of the owners. Sergeant Weiss explained to her that the store would need to close until a licensed operator was on site. The female said she understood. Sergeant Weiss observed the 50 ml liquor bottles were still on the premises and told Ikram they needed to be removed. Ikram shut down the store. Madison Police Case No 2017-00064372.

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 Officers and Command Staff, which reports your complainant believes to be reliable inasmuch as they are based upon direct observations by the Officers and Command Staff of the violations and the reports were prepared during the course of the Officers' and Command Staff's official duties. Said reports can be found in Madison police Department Records under Case No(s). 17-00012570, 17-00015440, 17-00016113, 17-00019837

  
Jennifer Zilavy  
Assistant City Attorney

Subscribed and sworn to before me,  
this 30 day of August, 2017.

  
Notary Public, State of Wisconsin  
My commission expires on 2.16.2020.

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.

