

STATE OF WISCONSIN

BEFORE THE ALCOHOL
LICENSE REVIEW COMMITTEE
OF THE CITY OF MADISON

DANE COUNTY

CITY OF MADISON,

Plaintiff,

COMPLAINT

vs.

MADCITY RESTAURANT GROUP, INC.

a Wisconsin corporation
dba Quinton's Bar & Deli
319 W. Gorham Street
Madison, WI 53703

Respondent.

NOW COMES the City of Madison by Steven C. Brist, Assistant City Attorney, and alleges as follows, that:

1. The complainant, Assistant City Attorney Steven C. Brist, is an adult resident of the City of Madison, with a business address of 210 Martin Luther King Jr. Blvd., Madison, Wisconsin, and at all times material to this action, he has been an Assistant City Attorney for the City of Madison.

2. The respondent herein, Madcity Restaurant Group, Inc., by its Registered Agent, Richard C. Glesner, is the alcohol beverage licensee doing business as Quinton's Bar & Deli, 319 W. Gorham Street, 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 Class B Combination Alcohol Beverage License to Madcity Restaurant Group, Inc., Registered Agent, Richard C. Glesner, for the premises located at 319 W. Gorham Street, Madison, Wisconsin, for the period

July 1, 2007 through June 30, 2008. 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.

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 Quinton's Bar & Deli, 319 W. Gorham Street, Madison, Wisconsin, violated its condition as lawfully ordered by the Common Council, that the licensee will meet the definition of a restaurant as defined in Madison General Ordinances Sec. 38.02, to wit:

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 the dates indicated below at Quinton's Bar & Deli, 319 W. Gorham Street, Madison, WI, DID:

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 Quinton's Bar & Deli, 319 W. Gorham Street, Madison, WI, by its agents, servants or employees, did:

FIRST COUNT: For the period May 16, 2007 through November 30, 2007, had sales of alcohol beverages accounting for more than fifty percent (50%) of the establishment's gross receipts, thereby not observing a condition of its license as ordered by the Common Council, contrary to Sec. 38.12(1)(a), Madison General Ordinances.

FACTS: On January 16, 2008, Debra Simon, Budget and Audit Manager in the Office of the Comptroller, for the City of Madison, completed a review of the Summary Sales Detail report from the licensee's cash register system for the period of May 16, 2007 through November 30, 2007. Based on the information from the licensee's cash register system, Simon calculated alcohol sales as 50.82% of the total food, alcohol and retail sales.

NOW, THEREFORE , for the above stated reasons, the Complainant demands that the Common Council of the City of Madison revoke or suspend the combination Class B license to sell fermented malt beverages and intoxicating liquors issued to Madcity Restaurant Group, Inc.,

