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LITIGATION ASSISTANT Patricia V. Gehler

May 13, 2011

Orpheum of Madison, Inc.
Eric Fleming, Agent
216 State Street
Madison, WI 53703

RE: Provisional License issued on April 19, 2011

Dear Mr. Fleming:

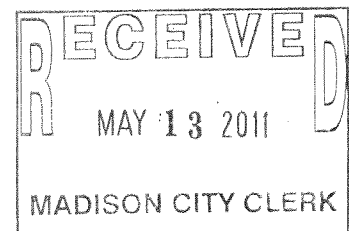
Orpheum of Madison, Inc. was issued a provisional Class B liquor license by the City Clerk on April 19, 2011. The Clerk issued the license pursuant to Madison General Ordinance Sec. 38.05(3)(n) 5, at my direction, based upon your representation to me that you were evicting the Orpheum Theatre Company of Madison, Inc. from 216 State Street effective March 31, 2011. It has come to my attention that this did not happen, and in fact, at the time you obtained the provisional license you were well aware that the eviction had not taken place and would not be taking place anytime in the immediate future.

Based upon your material misrepresentation of fact, I am directing the Clerk to rescind your provisional license immediately.

Sincerely,

Jennifer Zilavy
Assistant City Attorney

Copy: City Clerk Maribeth Witzel-Behl
ALRC
Det. Samantha Kellogg
Captain Carl Gloede
Henry Doane
Mark Woulf, Alcohol Policy Coordinator



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

Date: May 13, 2011

MEMORANDUM

TO: Maribeth Witzel-Behl
FROM: Jennifer Zilavy, Assistant City Attorney
RE: Orpheum of Madison, Inc.

On April 19, 2011, a provisional Class B liquor license was issued to Orpheum of Madison, Inc. pursuant to Madison General Ordinance Sec. 38.05(3)(n)5. I directed Eric Christianson to issue the license based upon information that Eric Fleming, agent for Orpheum of Madison, Inc., provided to me. I have since learned that Mr. Fleming materially misrepresented the factual situation which he presented in order to obtain the provisional license. Therefore, I am directing you to immediately rescind the provisional Class B license that was issued to Orpheum of Madison, Inc. on April 19, 2011.

Copy: ALRC
Captain Carl Gloede
Mark Woulf, Alcohol Policy Coordinator
Henry Doane

