

In The Matter Of:
Alcohol License Review Committee Non-Renewal Hearing

ORIGINAL

Transcript of Proceedings - ALRC
May 02, 2019

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CITY OF MADISON
Alcohol License Review Committee Non-Renewal Hearing

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Transcript of Proceedings
Madison, Wisconsin
May 2, 2019

Reporter: Jessica Bolanos

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18	No.	Description	Marked/Received
19	Exh. 1	Divine Orders handwritten receipts	137/140
20	Exh. 2	Ms. Larsen's report dated 5-1-19	137/140

22 (Original transcript filed with Jim Verbick; copy
23 provided to Jim Verbick.)

24 (Original exhibits retained by the Clerk,
25 Eric Christianson.)

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ALCOHOL LICENSE REVIEW COMMITTEE

NON-RENEWAL HEARING, taken before Jessica Bolanos, a notary public in and for the State of Wisconsin, at the Madison Municipal Building, 215 Martin Luther King, Junior, Boulevard, City of Madison, County of Dane, and State of Wisconsin on the 2nd day of May, 2019, commencing at 5:33 p.m.

A P P E A R A N C E S

ALRC Committee Members:
Thomas Landgraf, Committee Chair
Eric Christianson, Clerk
Sheri Carter
Michael Donnelly
Stefan Fletcher
Patrick Grady
Michael Verveer
James Boxrud, non-voting member

JENNIFER ZILAVY, Attorney
MADISON CITY ATTORNEYS OFFICE
201 Martin Luther King, Junior, Boulevard, Room 410, Madison, Wisconsin 53703, appearing on behalf of the City.
jzilavy@cityofmadison.com 608-266-4511

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ROGER ALLEN, Attorney
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401, Madison, Wisconsin 53703, appearing on
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CHARLES GIESEN, Attorney
GIESEN LAW OFFICES, S.C.
14 South Broom Street, Madison, Wisconsin
53703, appearing on behalf of the
North American Group, Inc., Macro Inc., and
Nadeem Syed
cgiesen@giesenlaw.com 608-255-8200

Also Present: Members of the Public

1 MR. LANDGRAF: Good evening. I'd
2 like to call the May 2nd meeting of the
3 Alcohol License Review Committee to order.

4 A couple of administrative matters
5 before we get into the official agenda: This
6 meeting is governed by Robert's Rules of
7 Order. So we will follow those procedures
8 with regard to the process and the order
9 of -- of things this evening.

10 We have six people who have registered
11 to speak on the items we have on the agenda,
12 and we'll call those folks at the beginning
13 of the respective agenda item that they're
14 going to -- that they've registered to speak
15 on, and I would ask them when you -- when you
16 come up, we've got a time limit of three
17 minutes. So kind of think about what you
18 want to say and use the time -- use the time
19 wisely.

20 We have a timer. You'll hear it go off,
21 and I'd ask that you kind of finish the
22 sentence that you're on, and if you're not
23 done speaking, please stop, and if any of the
24 members of the committee would like to have
25 you talk further, they'll make a motion and

1 grant some additional time to you. If that
2 doesn't happen, then just have a seat and --
3 and then we'll move to the next -- we'll move
4 to the next speaker.

5 So with that, we have one of our members
6 who has indicated they will not be able to be
7 here this evening. Fernando Cano Ospina and
8 -- and also the Deputy City Clerk,
9 Jim Verbick, won't be with us this evening.

10 So with that, I'd like to ask the clerk
11 to call the roll.

12 THE CLERK: Alder Carter?

13 MS. CARTER: Present.

14 THE CLERK: Carter is present.

15 Alder -- Mr. Donnelly? Sorry.

16 MR. DONNELLY: Present.

17 THE CLERK: Mr. Donnelly's present.

18 Mr. Fletcher.

19 MR. FLETCHER: Present.

20 THE CLERK: Mr. Fletcher is
21 present.

22 Mr. Grady?

23 MR. GRADY: Here.

24 THE CLERK: Mr. Grady is present.

25 Mr. Landgraf?

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1 MR. LANDGRAF: Present.

2 Alder Skidmore? Not yet.

3 Alder Verveer?

4 MR. VERVEER: Here.

5 THE CLERK: Alder Verveer is
6 present. Chair, we have quorum.

7 THE COURT: Okay. So the first
8 item I'd like to call on -- Assistant
9 Attorney Roger Allen is sitting to my right,
10 and he's just going to walk through the
11 general process so we're all on the same page
12 as to the order of things, and then any --
13 any other special items he will also go over.

14 MR. ALLEN: Good evening. Tonight
15 we're going to have some quasi judicial
16 hearings regarding license renewals. A quasi
17 judicial hearing is somewhat different than
18 the ALRC's regular business of granting
19 licenses in which people can come up and
20 offer their comments as to whether or not
21 they think the applicant should be granted
22 the license. They're different in that what
23 the ALRC will be relying on tonight is sworn
24 testimony and evidence. So if you've signed
25 up to speak on an item and prefer to have the

1 ALRC use your comments as evidence in
2 arriving at their decision on whether to
3 renew or non-renew the licenses, you need to
4 speak to one of the parties. The City is
5 represented by Assistant City Attorney
6 Jennifer Zilavy. One of the licensees is
7 represented by Charlie Giesen, and the
8 others, I'm not sure. I'm not aware that
9 we've been contacted by anybody that's
10 offering to represent them. So you would
11 have to seek out the applicant and ask them
12 if you want to have your -- have your
13 testimony taken under oath and used as
14 evidence in these proceedings.

15 AS I said, the ALRC is acting in a quasi
16 judicial role. That means they are going to
17 be independent here. They may -- the members
18 may ask questions at the conclusion of one of
19 -- of all the questioning by the parties;
20 however, those questions are not to favor one
21 party or the other. It's the ALRC trying to
22 clear up questioning or testimony that
23 they've heard already. So they're trying to
24 clear up any ambiguities in the testimony.

25 You will hear -- the next step is ALRC

1 members will disclose any contacts that they
2 have had with any of the parties in these
3 matters. That's pretty much a routine item
4 that's on every agenda. The ALRC members
5 know that they're not to conduct their own
6 independent investigation outside of these
7 hearings because there's a real risk that
8 they could base their decision on items or
9 evidence not before the rest of the body. To
10 the extend that any ALRC member has done so,
11 they will recuse themselves from these
12 proceedings.

13 The ALRC is not a court of law. The
14 rules of evidence don't strictly apply here.
15 In fact, the ALRC, unlike a court, can base
16 its decision on uncontroverted hearsay.
17 Where there's controverted hearsay, the ALRC
18 may still rely upon that hearsay if there is
19 substantial evidence to support the opinions
20 or the conclusions of that hearsay.

21 At the end of each proceeding, the ALRC
22 may go into closed session to deliberate and
23 decide whether or not to renew or non-renew
24 the license. You all, other than the ALRC
25 members and the clerk, will be excused from

1 the room at that time. In fact, I don't even
2 remain in the room as their legal advisor.
3 They will call me in if they have a legal
4 question that they need my advice on.

5 After the closed sessions, the ALRC will
6 reconvene in open session to announce their
7 decision. The ALRC may from time to time
8 engage in closed session to receive
9 testimony -- not -- excuse me -- not
10 testimony, but the advice of legal counsel
11 should there be an objection that they need
12 assistance in resolving.

13 The Chair will be in charge of the
14 entire proceeding. Any party may object to
15 the testimony or the questions or the
16 evidence being put before the ALRC. The
17 chair may rule on that, subject to any member
18 of the body challenging that ruling. Are you
19 satisfied, Mr. Chair?

20 MR. LANDGRAF: I think that covers
21 it.

22 MR. ALLEN: Thank you.

23 MR. LANDGRAF: So one of the items
24 that Assistant City Attorney Allen just
25 mentioned is any disclosure or recusal by any

1 of the members with regard to any of the
2 items on the agenda. As he indicated, that's
3 part of our standard procedure. That's the
4 next item. So I will now ask any of the
5 members of the -- of the ALRC if they have --
6 if they have any disclosure or recusal that
7 they need to identify for -- for those
8 present?

9 okay. So then we get to our first item
10 on the agenda, which is alcohol license
11 non-renewal for Divine Orders Catering, LLC,
12 doing business as M. Laverne Buchanan,
13 2122 Luann Lane. And our process will be
14 that Assistant City Attorney Zilavy will
15 present City of Madison's position on this
16 renewal. We'll then have the Applicant
17 respond to that and then Assistant City
18 Attorney Zilavy will have final opportunity
19 to -- to offer comments before the ALRC
20 deliberates.

21 Now, we do have, as I mentioned, some
22 folks that have registered to speak for -- I
23 think these are both items 1 and 2 and --
24 okay. And we will -- we will be taking these
25 items -- I probably should ask. We should --

1 we should do each item separately. A lot of
2 times, we'll combine them, but we should --

3 (Discussion held off the record.)

4 MS. ZILAVY: Mr. Chair, I don't
5 know if the City -- or if the committee wants
6 to take the items out of order. There's a
7 proposed settlement agreement on items 2 and
8 3 that this committee can consider.

9 MR. DONNELLY: I don't think you
10 mean 2 and 3.

11 MS. ZILAVY: I mean, 3 and -- what?

12 MR. VERVEER: 3 and 4?

13 MS. ZILAVY: 3 and 4, yes.

14 THE CHAIR: well, that's -- that's
15 certainly in order. Committee, any opinion
16 on --

17 MS. CARTER: I'm fine with it.

18 MR. LANDGRAF: Okay. well, then
19 why don't we make a motion.

20 MS. CARTER: I move that we take
21 items 3 and 4 first.

22 MR. GRADY: I second it.

23 MR. LANDGRAF: Okay. A motion and
24 a second to move items 3 and 4 to the top of
25 our agenda. Seeing no further discussion,

1 all those in favor, say, "Aye."

2 COMMITTEE MEMBERS: Aye.

3 MR. LANDGRAF: Opposed? Okay.

4 Assistant City Attorney Zilavy? Oh, I --

5 let's see. Do we have any speakers on 3? We

6 have no members of the public registered to

7 speak on 3 and 4.

8 MR. GIESEN: Can I have the witness
9 chair?

10 MR. LANDGRAF: Yes.

11 MR. GIESEN: My name is

12 Charles Giesen. I'm the attorney for the two

13 licensees and their agent, Nadeem Syed.

14 MS. ZILAVY: So this is for

15 West Badger Liquor and Madison Bazaar, and

16 the proposal would be that at the close of

17 business on November 15th, 2019, they

18 surrender both liquor licenses to the City;

19 that after June 30th, 2019, there will be no

20 sale of alcohol in amounts of 200 milliliter

21 or less; and that if they violate any of the

22 conditions on their license between now and

23 November 15th, after a due process hearing

24 before the ALRC, there will be an immediate

25 revocation of the licenses if a violation is

1 found to be sustained.

2 MR. LANDGRAF: Okay. Questions?
3 Mr. Fletcher.

4 MR. FLETCHER: In terms of the --
5 can you explain the -- the November 15th kind
6 of date and the -- the significance around
7 that? And then they would surrender both
8 licenses as of -- as of that date? Why would
9 they not surrender the license before?

10 MS. ZILAVY: Why not before?

11 MR. FLETCHER: Yeah.

12 MS. ZILAVY: Well, Attorney Giesen
13 called me this afternoon and asked if there
14 was any room for compromise on the situation,
15 and he originally proposed January 15th as a
16 date to surrender the licenses, and then I
17 countered with October 1st. And then he came
18 back with November 30th, and then I said,
19 "November 15th," and then in back-and-forth
20 phone calls in between all of that, and then
21 final iteration of that was November 15th.
22 If it's November 15th, then no sales of
23 anything 200 milliliters or less after
24 June 30th. If it was October 1st, they would
25 be able to deplete their inventory of 200s

1 and less, and they chose November 15th.

2 MR. FLETCHER: So is -- is the
3 predominance of the dates on the settlement
4 agreement -- maybe I should be asking
5 Attorney Giesen but -- based on a desire to
6 deplete inventory predominantly?

7 MR. GIESEN: Essentially, that's
8 the purpose for an orderly wind-down of the
9 business.

10 MR. FLETCHER: Okay. Thank you.

11 MS. CARTER: I just --

12 MR. GIESEN: And if I could add,
13 it's also -- I believe you all have
14 correspondence, we'd ask the current license
15 be amended to clarify that when the license
16 was originally issued in 2000 -- not
17 originally. They've been there 17 years --
18 but in 2017, we provided a transcript of the
19 ALRC meeting, and at that point, I believe it
20 was you --

21 MR. FLETCHER: Yep.

22 MR. GIESEN: -- made a motion to
23 change the restriction to prohibit any sales
24 of any airplane bottles 50 milliliters or
25 less, and that was approved unanimously and

1 recommended to the City Council. The
2 City Council issued the license -- or
3 approved the recommendation of this
4 committee, and the clerk's office apparently
5 in error included a condition that was less
6 than 200 milliliters.

7 And that was a part of the complaint
8 that brings us here. Police officers went in
9 and purchased 100 milliliter bottles on -- on
10 a few occasions, and there is some of that in
11 inventory, which the licensee had purchased
12 and stocked in reliance on the resolution
13 passed by this committee and the
14 City Council, and it's also an opportunity to
15 eradicate that problem and -- and conform
16 with what this committee and the City Council
17 previously approved.

18 MR. LANDGRAF: Mr. Grady?

19 MR. GRADY: I would like to know
20 how Captain Nelson feels about the
21 settlement, if he thinks they can maintain
22 order through this time period or not?

23 CAPTAIN NELSON: Historically,
24 they've had a problem following the rules and
25 regulations set forth by this committee. I

1 would hope that they would follow them until
2 November 15th, but I think that we would
3 support it if there was a violation that was
4 sustained by this body that they would suffer
5 immediate revocation prior to November 15th.

6 MR. GRADY: Is that a part of the
7 settlement?

8 MS. ZILAVY: Yes.

9 MR. GRADY: Okay.

10 MR. LANDGRAF: Alder Carter?

11 MS. CARTER: Yes. So can you just
12 go back to -- on June 15th, is it, that they
13 can't sell the 200 liter -- 200
14 millimeters (sic) --

15 MS. ZILAVY: Beginning July 1st
16 when the new license is issued, then they
17 cannot sell anything 200 milliliters or less.

18 MS. CARTER: So from today to
19 July 1st --

20 MS. ZILAVY: June 30th.

21 MS. CARTER: -- they can sell the
22 200?

23 MS. ZILAVY: Today to June 30th.

24 MS. CARTER: I mean June 30th?

25 MS. ZILAVY: Right.

1 MS. CARTER: Okay. Thank you.

2 MS. ZILAVY: And the conditions
3 still remain they can't sell single bottles.

4 MR. LANDGRAF: Alder Verveer.

5 MR. VERVEER: Thank you, Mr. Chair.
6 If I could ask Attorney Zilavy to -- to
7 confirm so that we have the correct motion in
8 terms of stipulated settlement and renewal of
9 each of these licenses: Each of the
10 stipulated settlement includes then each of
11 the existing conditions remaining, and the
12 only one that -- well, the version of the
13 license that the committee would receive,
14 which you probably all have in front of you
15 that was in our packet, was condition number
16 4, coincidentally on each of our licenses.
17 And so that one -- is that worded correctly
18 as per your negotiations today, the
19 agreement? Do you not have copies?

20 MS. ZILAVY: I don't have a copy of
21 what you're looking at.

22 MR. VERVEER: And share that with
23 Respondent's counsel then to make sure that
24 everyone's clear that -- so those are the
25 existing conditions with the exception of

1 what was already stated on the record in
2 terms of the size of the intoxicating liquor
3 packages. So each of those various several
4 conditions would remain unchanged in the new
5 licensing year; is that correct?

6 MS. ZILAVY: That's correct.

7 MR. GIESEN: Yes. What --
8 what -- as you pointed out, number 4 would be
9 amended to say "50 milliliters or less."

10 MS. ZILAVY: "Until June 30th."

11 MR. GIESEN: The current license.

12 MR. VERVEER: We're only -- what we
13 have before us is the next licensing year,
14 July 1, correct? Non-renewal?

15 MR. GIESEN: Well, we had
16 deferred -- we'd requested that the current
17 license be amended to reflect what had
18 actually occurred before this committee and
19 the Common Council.

20 MR. VERVEER: At our last regular
21 meeting?

22 MR. GIESEN: Right. And we're
23 asking that that -- basically it's a clerical
24 mistake.

25 MR. VERVEER: No, I understand.

1 MR. GIESEN: I don't know if this
2 body even needs to act on it. The clerk
3 could just make that correction.

4 MR. ALLEN: No, the clerk cannot
5 make that correction. I've discussed this
6 with the clerk's office. This is one -- a
7 learning lesson for everyone. If you're
8 applying for a license, you have to follow up
9 at every stage.

10 The motion that was put before the
11 Council was to accept the report of the ALRC.
12 It unfortunately included a wrong condition,
13 but that motion incorporated the condition on
14 the agenda, which was the 200 milliliters.
15 So the Council acted properly and the motion
16 was properly approved with that restriction
17 in place.

18 Had the applicant followed through, they
19 could have alerted us that the clerk's office
20 had been in error in putting that condition
21 on. That was compounded by the fact that
22 that condition was then renewed in the 2018
23 cycle. So I think at this point it would
24 take an application for a change in license
25 conditions to correct that.

1 MS. ZILAVY: Well, and that was
2 submitted, and that will be on the May 15th
3 ALRC agenda. It was referred from the last
4 meeting.

5 MR. ALLEN: To this meeting?

6 MS. ZILAVY: To the May 15th
7 meeting.

8 MR. ALLEN: I think then ALRC could
9 properly act on the May 15th agenda.

10 MR. VERVEER: If I could interject
11 then, Mr. Chair, because what's noticed here
12 is non-renewal hearings, and at least that,
13 to me, means the July 1st licensing year. I
14 could ask that -- Attorney Allen --

15 MR. ALLEN: I concur with that.

16 MR. VERVEER: There's a notice
17 issue, isn't there --

18 MR. ALLEN: Yes.

19 MR. VERVEER: -- to act on the
20 current license?

21 MR. ALLEN: Right.

22 MR. GIESEN: If I could --

23 MR. ALLEN: Nonetheless, it does
24 not mean that you cannot enter into agreement
25 about your prosecutorial discretion in that

1 time period.

2 MR. GIESEN: And if I could just to
3 correct the record, the licensee did reach
4 out on August 7th of 2017 and received
5 correspondence that, I believe, was --
6 provided, it not -- it says, "Good afternoon.
7 Correct, condition 4 on the license I sent
8 you this morning was added to prevent the
9 selling for bottles of intoxicating liquor
10 smaller than 200 milliliters, such as the
11 50-milliliter airport bottles."

12 So the licensee did follow up on that
13 and received assurance, and that was from the
14 Deputy Clerk, Jim Verbick. So there was con
15 -- confusion. We're trying to eliminate
16 that.

17 We have an agreement, right?

18 MS. ZILAVY: Right.

19 MR. GIESEN: Yeah. Okay.

20 MR. LANDGRAF: So Assistant City
21 Attorney Zilavy, we -- we've got the -- the
22 noticed license from July 1st going forward.
23 What's your -- your -- just so we're all
24 clear, what is your plan for between now and
25 then with regard to the --

1 MS. ZILAVY: Well, they -- they
2 will be back before you May 15th for the
3 change in conditions, and I won't prosecute
4 between now and then for sales of --

5 MR. LANDGRAF: Okay.

6 MS. ZILAVY: -- 200 and less,
7 except for the 50s. Still can't sell the
8 50s.

9 MR. GIESEN: Right. That's
10 understood.

11 MR. LANDGRAF: And you understand,
12 and you're comfortable with that?

13 MR. GIESEN: Yes. That has been
14 our understanding and agreement.

15 MR. LANDGRAF: Further --

16 MS. CARTER: I just have a quick
17 clarification because I want to make sure
18 that we all understand. So from now until
19 June 15th --

20 MS. ZILAVY: 30th.

21 MS. CARTER: -- June 30th, they can
22 sell the 200-millimeter (sic); is that what
23 you're saying?

24 MS. ZILAVY: The 100s and 200s.

25 MS. CARTER: What?

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1 MS. ZILAVY: Pardon me?

2 MS. CARTER: They can sell the

3 200 --

4 MS. ZILAVY: Yes.

5 MS. CARTER: -- and up --

6 MS. ZILAVY: Yes.

7 MS. CARTER: -- from now until

8 June 30th?

9 MS. ZILAVY: Correct.

10 MS. CARTER: Okay. And then
11 afterwards, it's nothing -- 200 and less they
12 cannot sell --

13 MS. ZILAVY: Correct.

14 MS. CARTER: -- after June 30th?

15 MS. ZILAVY: Correct.

16 MS. CARTER: Okay. Thank you.

17 MR. LANDGRAF: Mr. Grady?

18 MR. GRADY: One more question.

19 what happens to the 50-milliliter bottles?
20 when they did the investigation, they said
21 there was a large box of 50-milliliter
22 bottles. Are they going to be destroyed, or
23 what are they going to do?

24 MR. GIESEN: They certainly won't
25 be sold. I assume they're going to be

1 destroyed. Those are pre-existing inventory
2 from prior to 2017, because the invoices that
3 were examined did not disclose any purchases
4 of the 50s since the 2017 meeting.

5 MR. GRADY: My concern is that
6 prior -- with our investigation that was
7 conducted that there was a large box of
8 these, and based on perhaps past experience,
9 I'm just wondering if those -- those are
10 going to be removed from the premises? You
11 know, I think if they're not removed from the
12 premises, there's the, I guess, ability to
13 sell them still.

14 MR. GIESEN: They'll absolutely be
15 removed from the premises.

16 MS. ZILAVY: And the committee can
17 ask that that be part of that agreement.

18 MR. GRADY: Yeah, I would ask that
19 we add that.

20 MR. LANDGRAF: Further questions?
21 Mr. Donnelly?

22 MR. DONNELLY: Thank you,
23 Mr. Chair. I have a question for our counsel
24 and expert on liquor law. What are the
25 legitimate ways for those 50-milliliter

1 bottles to leave that building?

2 MR. ALLEN: I don't know that off
3 the top of my head. That's something I would
4 have to research, but they can't be sold to
5 another retailer because only a wholesaler
6 distributor can sell to a retailer. I do
7 believe that they have to be destroyed, but
8 there is -- they can be returned, I know, to
9 the distributor if the distributor's willing
10 to accept them, but there is a process for
11 it, and most people work through DOR when
12 they're disposing of inventory and closing
13 out.

14 MR. DONNELLY: Okay. So one thing
15 that I would ask for as part of this
16 settlement would be that the license holder
17 provide documentation proving that the
18 50-milliliter bottles were disposed of
19 appropriately. So whether that is a receipt
20 showing the return to the distributor -- if
21 they're going to be destroyed, that would
22 mean having someone trustworthy on site to
23 witness that. I guess I'm asking -- I'm
24 sorry. I don't know your name, sir.
25 Captain --

1 CAPTAIN NELSON: Cory Nelson.

2 MR. DONNELLY: Captain Nelson,
3 would it be appropriate for a representative
4 of MPD to be onsite to witness them being
5 destroyed?

6 CAPTAIN NELSON: We can certainly
7 do that.

8 MR. DONNELLY: Thank you. Do you
9 have any concerns about that?

10 CAPTAIN NELSON: No, I don't.

11 MR. DONNELLY: Thank you.

12 MS. ZILAVY: I would just ask for a
13 little clarification on that. Provide
14 documentation proving the 50-milliliter
15 bottles were disposed of properly, that it's
16 got to be some kind of official documentation
17 from --

18 MR. DONNELLY: That -- I would say
19 acceptable documentation would be -- I don't
20 know if "invoice" is the correct term, but
21 proof that they have been returned to the
22 distributor, including the number of bottles
23 returned or documentation from MPD that they
24 were destroyed.

25 If there is another option that we're

1 not aware of besides returning or destroying
2 them, I would strongly recommend reaching out
3 to the City Attorney's office and making sure
4 that whatever that other option is is legit
5 and that whatever the mechanism for executing
6 it is clearly and unambiguously documented in
7 a formal fashion.

8 MR. LANDGRAF: Further questions?
9 Discussion? Okay. Assistant City Attorney
10 Zilavy, anything?

11 MS. ZILAVY: I don't have anything
12 further.

13 MR. LANDGRAF: Okay. So the -- we
14 should have a motion accepting this
15 settlement as amended by Mr. Grady's comments
16 and Mr. Donnelly's. So who would wish to
17 make the motion?

18 MR. DONNELLY: I so move.

19 MR. LANDGRAF: Okay. All right.
20 And everybody's clear on Mr. Grady and
21 Mr. Donnelly's comments?

22 MR. FLETCHER: Second.

23 MR. LANDGRAF: Second? Okay.

24 MR. DONNELLY: All right. And
25 Mr. Chair, that's for items 3 and 4.

1 MR. LANDGRAF: And that's for items
2 3 and 4. Okay. All right. No further
3 discussion. All those in favor of approval,
4 say, "Aye."

5 COMMITTEE MEMBERS: Aye.

6 MR. LANDGRAF: Opposed? Okay.
7 Items 3 and 4 are taken care of. Thank you.

8 MR. GIESEN: Thank you.

9 MS. ZILAVY: Can I just have a
10 minute to text my department of revenue
11 witnesses that -- and the fire witness
12 that --

13 MR. LANDGRAF: Sure.

14 MS. ZILAVY: -- they can --

15 MR. LANDGRAF: Okay. Why don't we
16 deal with the -- all right. Let's move to
17 then the public comment for items 1 and 2,
18 and we probably should have a motion from the
19 committee to take up 1 and 2 together.

20 MR. GRADY: I'll make a motion to
21 that effect, that we consider items 1 and 2
22 together.

23 MR. FLETCHER: Second.

24 MR. LANDGRAF: Okay. Motion and
25 second to combine is 1 and 2. Seeing no

1 further discussion, all those in favor, say,
2 "Aye."

3 COMMITTEE MEMBERS: Aye.

4 MR. LANDGRAF: Opposed? Okay. So
5 I'm not sure -- so as I -- as we mentioned
6 earlier in the -- in the meeting, the -- some
7 folks have registered in support and in
8 opposition of the establishment, and what we
9 will do now is accept comments from those
10 folks.

11 And as Assistant City Attorney Allen
12 indicated, these -- these are comments that
13 are not -- well, your -- your comments are --
14 are going to be used for purposes of -- of
15 your -- voicing your opinion. They're not
16 going to be comments that get in part of the
17 official record unless you have followed the
18 procedure that Assistant City Attorney Allen
19 mentioned.

20 I'll read off a couple of names so you
21 know who is up and who is coming up next
22 because there's about 10 or so folks. So
23 I'll try to make this as efficient as
24 possible. And as I mentioned earlier, please
25 limit your comments to three minutes. When

1 you hear the timer go off, please -- please
2 end the sentence you're on, and if the
3 committee wants you to talk further, they'll
4 make a motion and grant you some additional
5 time.

6 So first is, I believe, Erika Mills and
7 then Faye Bokelman, and then Morris (sic)
8 Gazzetta.

9 MR. GUZETTA: Marcus.

10 MR. LANDGRAF: Marcus? Okay. I'll
11 probably destroy everybody's name here.
12 So --

13 MS. BOKELMAN: You got mine
14 perfectly.

15 MR. LANDGRAF: Be sure to correct
16 it when you get up to the microphone.

17 MS. MILLS: I'd like to thank the
18 committee for letting me offer my comments
19 here today.

20 MR. LANDGRAF: Excuse me. When you
21 come up -- I should have mentioned it --
22 please for the record state who you are.

23 MS. MILLS: My name is Erika Mills,
24 and I live in the Christopher Terrace
25 Condominiums on Luann Lane. I'd like to

1 offer testimony as a resident there regarding
2 what you'll probably hear is --

3 MR. ALLEN: Excuse me. If you're
4 going to testify, as I asked, you'll need to
5 talk to parties and then you'll be sworn in
6 as a witness. Both sides will have an
7 opportunity to ask you questions. If you
8 just want to talk --

9 MS. MILLS: Sorry. Maybe I used
10 the word "testimony" in --

11 MR. ALLEN: Yeah, we lawyers have
12 these terms that --

13 MS. MILLS: -- not an official
14 sense.

15 MR. ALLEN: -- we're very guarded
16 about, and testimony is --

17 MS. MILLS: I apologize. I work
18 for the government. I know exactly what you
19 mean.

20 MR. ALLEN: All right. So you just
21 want to talk to the committee --

22 MS. MILLS: I don't mean testimony
23 officially --

24 MR. ALLEN: -- and make a
25 statement?

1 MS. MILLS: But I could -- if
2 anyone would like that, I could offer it as
3 official, but right now I'm just offering my
4 comments and opinions.

5 I was as a resident there a witness to
6 gunshots in the parking lot. It's un -- I
7 was unsure of whether or not it was my own
8 parking lot or the parking lot across the
9 street, but later on on followup, we were
10 able to discover that they were people who
11 had come out of the catering establishment,
12 which more or less seems to be operating like
13 a nightclub.

14 It's not open during the day. I see
15 that with my own eyes, and from what I can
16 tell, there's no food being sold. There's no
17 lunch being offered. It's only open in the
18 evening hours.

19 My building is situated -- well, in our
20 complex, further away from the building than
21 the other buildings in our complex. So I
22 don't hear as much of the noise as far as
23 music and so forth, but we do get a fair
24 amount of the litter and foot traffic from
25 when dispersion eventually happens in the

1 evening, and those individuals are loud and
2 lack a certain amount of control. So in the
3 following days, there's usually litter
4 everywhere strewn across the street. I have
5 on a number of occasions come home to pieces
6 of property on my patio being manipulated or
7 vandalized and my vehicle additionally,
8 though it's minor. It's -- and I can't say
9 that any one particular individual did it,
10 but I don't have a reason to believe that
11 anyone personally was out after me.

12 So my primary complaint would be noise
13 and garbage that originates from and around
14 the establishment and general loitering that
15 seems to take place around that time and the
16 fact that they're open during the week at --
17 at what I would call a fairly late hour.
18 They don't always disperse. I understand
19 they're supposed to disperse by 11:00 p.m.,
20 And that's not always the case. I hear
21 recently they've been much better about it,
22 but I have witnessed on several occasions
23 where either the establishment itself does
24 not closed at 11:00 p.m. or it is -- people
25 continue to be on the premises beyond that

1 time. Thank you for your time.

2 MR. LANDGRAF: Thank you. Okay.

3 Faye --

4 MS. ZILAVY: Mr. Chair, one of the
5 individuals approached me and asked if they
6 could submit their statements as testimony,
7 like get sworn in and testify in conjunction
8 with my case.

9 MR. LANDGRAF: Okay. So we -- we
10 have someone who would want to offer comments
11 that would be part of the sworn testimony.
12 So we would -- we would swear them in.
13 They'd make their comments, and the license
14 holder would have the opportunity to
15 cross-examine them. Mr. Donnelly?

16 MR. DONNELLY: Mr. Chair, so as a
17 member of the committee, I would find it
18 challenging to separate the informal comments
19 from formal testimony if it's all part of one
20 block. Could we have all of the comments
21 first and then --

22 MR. LANDGRAF: Sure.

23 MR. DONNELLY: -- start their
24 testimony in cross-examination?

25 MS. CARTER: And then I have a

1 quick question. Can you tell us how far you
2 live from the establishment, whether it's
3 across the street, two blocks away, so we can
4 get an idea.

5 MR. LANDGRAF: Okay. So when you
6 come up, please introduce yourself, and as
7 Alder Carter requested, let the committee
8 know where -- where you live in relationship
9 to the -- to the establishment.

10 So you are Faye?

11 MS. BOKELMAN: I am. My name is
12 Faye Bokelman. I also live in the
13 condominiums which are directly across the
14 street from DOC Catering.

15 As Erika mentioned, it's -- the biggest
16 -- one of the biggest issues that we have
17 with the establishment is noise. It is very
18 loud, especially for the building that is
19 closest, which is directly across the street
20 from the establishment. We've had people who
21 call our condominiums home who are
22 threatening to move out because of the noise.
23 It's not just on a weekend. It's every
24 weekend, and it's occasionally during the
25 week as well, and as previously mentioned, up

1 until 11:00 at night on a weeknight.

2 We have also had reports of people
3 having things moved or -- or vandalized in
4 the lot that are not held down. One of the
5 other issues that we have been having with
6 that is that there is just so much congestion
7 in the area. If there were to be an
8 emergency when they were leaving, no one
9 would be able to reach us, and when people do
10 leave the establishment, as previously
11 mentioned, they are extremely loud. They are
12 dropping glass and whatnot onto -- to the
13 street.

14 And also as previously mentioned, we've
15 had issues where there have been assaults,
16 shots fired, all of this directly across the
17 street from where we live. It's a
18 residential area. It's a high concentration
19 of people because there is an apartment
20 complex and our condominiums are directly
21 across the street or next to this
22 establishment. So families live here, and if
23 there were to be any sort of stray gunfire,
24 there's really no telling what might happen.
25 And all of that is -- is a big concern for

1 us. I am on the board of directors for the
2 condominium, and it's really hard to tell
3 people that -- you know, they're leaving
4 simply because of an establishment across the
5 street that originally started out as
6 catering but, as previously mentioned, now
7 operates as a nightclub. Thank you.

8 MR. LANDGRAF: Next, Marcus. And
9 then after Marcus, Marjan, if I have that
10 right and then Patrick Kane.

11 MR. GUZETTA: Hello. I'm
12 Marcus Guzetta. I live in 2125 Luann Lane.
13 That -- my condo is directly across the
14 street from the establishment. In fact, with
15 one side of our house, one side of our
16 bedroom windows, that is the direct view is
17 the Divine Catering building that it's
18 located in.

19 So I'd just like to say it's sort of a
20 ditto with what was previously mentioned.
21 Gunshots twice last year, the trespassing.
22 In addition, to kind of -- of build upon the
23 noise we're hearing, honking horns, yelling,
24 screaming obscenities, squealing tires, and
25 loud music. If we place a complaint with the

1 police department, then usually all of that
2 disperses relatively soon; however, there are
3 times where it goes on up to and past, like,
4 11:45 at night.

5 We think that maybe there's people even
6 who sit in the parking lot and max their
7 stereos out and play music the entire time.
8 There's also disruption of our sleep from
9 headlights of patrons sitting in their cars
10 coming and going. Traffic jams, especially
11 in the winter. You have people honking their
12 horns at each other to try to get out.
13 Congestion, and we've had cars that place
14 themselves in the only exit to our garage,
15 essentially, that we have to urge them to
16 move if we'd like to leave past a certain
17 time of night.

18 So my personal testimony is -- or my
19 personal experience is that me and my
20 girlfriend, who sits with me, we typically go
21 to bed at, like, 8:00 to 9:00 p.m., and we
22 have to wake up at about 4:30 in the morning
23 to work. Because we're wake -- when we
24 had -- we had our bed in the bedroom for a
25 long time because that's where it kind of

1 belongs. We had to move it to the living
2 room because we'd constantly be woken up at
3 10:00 or 11:00 and have our sleep disrupted.
4 And four nights a week getting 4.5 hours of
5 sleep, it has affected our stress level.
6 It's affected our life, and we have
7 considered trying to moving because of issues
8 from Divine Catering throwing parties,
9 essentially, night after night.

10 We moved our bed into the living room
11 simply because we were tired of -- we had to
12 place a lot of calls to the Madison Police
13 Department about the noise complaints, and
14 they've been wonderful about responding.
15 It's just that by the time we've called them,
16 they've already woken us up and disrupted
17 sleep.

18 And this is the experience that we've
19 heard from a number of people. We've had
20 community meetings about the issues related
21 to this place, about the violence and
22 increase in crime associated with it, and
23 just people who live in Luann Place, which is
24 202 next door and Parkside Apartments. They
25 have mentioned to us that they're frustrated.

1 Now, the Parkside person -- apartment person
2 was unable to be here. It was kind of short
3 notice. So that's my statement. Thank you.

4 MR. LANDGRAF: Thank you. Marjan?

5 And to kind of help you a little bit
6 with timing, I've -- I've made up a makeshift
7 sign that says, "One minute left." So
8 that'll -- that'll give you an idea of where
9 you're at since I noticed nobody's looking at
10 their watch. So -- okay. Marjan.

11 MS. FATERIOUN: My name is
12 Marjan Faterioun. It's M-A-R-J-A-N, and then
13 my last name is F-A-T-E-R-I-O-U-N. I live in
14 2217 Luann Lane. So I live in the middle
15 building between both of the people who have
16 just spoken.

17 I don't hear the noise, and I feel very
18 lucky because a lot of my very good friends
19 and stuff are thinking of leaving my
20 community because of the amount of noise.
21 What I do experience is behind our building,
22 there is kind of an unfortunate direct route
23 between some other parts of the neighborhood
24 and the catering service -- which I know they
25 themselves can't stop people from cutting

1 through there -- but people are walking as
2 close as 5 feet of from other peoples' back
3 doors and leaving litters of beer cans, beer
4 bottles. we've found beer cans that are
5 completely -- that are open -- or closed and
6 full of beer just sitting on the side of the
7 street directly outside of
8 Divine Orders Catering.

9 Also, right after the 4th of July, I was
10 walking my dog, and about -- I can't even
11 describe the amount of fireworks that were
12 left in the street and in the parking lots,
13 not only theirs, but ours. I completely
14 agree with everything that everyone has said,
15 so I'm not going to take a lot of time
16 reiterating that, but I personally have come
17 home after work around 10:30, can't -- had to
18 turn around and go the other way down my
19 street because of the amount of not only cars
20 that are just parked in the street leaving
21 and blasting music, but also people walking
22 in the street, walking through our yard.

23 People have driven up onto our grass to
24 turn around in our condos. I moved there in
25 April of 2016, and for about a year before

1 this all happened, we've had a really quiet
2 street. I've been totally content and felt
3 safe walking my dog and being out alone. And
4 now at night, I've -- I've gotten yelled at
5 when I've been out at night when I get home
6 late. I know these things are not things
7 that are direct causes of the people that run
8 this establishment, but the dispersal
9 afterwards, there's been nothing done to get
10 security there to help with the dispersal,
11 and the Madison Police Department cannot act
12 as our security for their establishment every
13 single time they decide to hold an event.
14 And unfortunately, that's what our community
15 has come down to, is calling them to try to
16 act as security for that -- that facility.
17 Thank you.

18 MR. LANDGRAF: Okay. Thank you.
19 Patrick Kane and then Monir, if I have that
20 correct, and then Madeline.

21 MR. CANE: Good evening. My name's
22 Patrick Kane, and we own a -- a condominium
23 in 2525 -- 2125 Luann Lane right across the
24 street from Divine Orders Catering. You've
25 already heard a lot of information about the

1 disturbance that Divine Orders has brought to
2 the neighborhood. This is basically an
3 establishment that is incompatible with a
4 residential neighborhood, and I hope you're
5 getting that flavor by this point. There are
6 a couple of other points that I'd like to
7 make.

8 when it was originally -- when the
9 liquor license was originally sought, it was
10 for a catering outfit. Now this outfit is
11 working exclusively as a restaurant and a
12 bar. I tried to contact them by phone to
13 discuss the issues that we had as property
14 owners, and all the phone numbers that
15 connected with this business are not in
16 operation. The only way you can get in touch
17 with them is through text or through e-mail.
18 Not only do I think that's a bad business
19 model, but I think it shows the extent to
20 which you're actually operating as a catering
21 business. They're just operating as a
22 restaurant and bar with late-night traffic.

23 The destructiveness that it's brought to
24 the neighborhood includes vibrations inside
25 our unit to the point where an artifact

1 rattled off a shelf and was broken to some
2 great expense. The -- in addition to that,
3 deceptiveness and destructiveness. We are
4 concerned about the property values. We all
5 know what that neighborhood is like. We all
6 know two blocks over, Greenway Cross and how
7 that neighborhood is in need of
8 rehabilitation. We don't want to see
9 Luann Lane also be a part of the larger
10 neighborhood problem. We'd like to have that
11 as a -- a nice model of how the neighborhood
12 could be working in a healthy way without
13 gunshots, without littering, without
14 late-night disturbance, without -- with a
15 decent quality of life in the neighborhood.

16 That, in a nutshell, is what I had to
17 say. Thank you for the opportunity.

18 MR. LANDGRAF: Thank you. Muneer?
19 Do I have that correct? And Assistant City
20 Attorney Zilavy, who was the person that --

21 MR. AFIFI: Hi.

22 MR. LANDGRAF: Oh, okay. Well,
23 then we're going to take you separately
24 because you're the only one who is -- who is
25 going to be sworn in. So sorry about that.

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Magdalena?

MS. COLL: I didn't know I was going to talk. I was just questions, if you have questions.

MR. LANDGRAF: Oh, you did. Yes, you are available for questions.

MS. COLL: Anyway, I can confirm. My name is Magdalena Coll, and I can confirm what they said. I also live on Luann Lane, the building that is across from this catering business, and I went out one night, and it was unbelievable the number of cars, the number of disturbance. That was unbelievable.

If we had an emergency or if someone had to leave the building, that person would die there before they get to the hospital because there would be no way -- or we would have a crash with another car because they -- of course if they drink and say, no, they really don't know what they're doing and they drive away or be crazy and they don't really care.

One night, I came back, and in my driveway was a van parked, and I thought, I don't think that this -- I don't think I know

1 this person. I don't think this person lives
2 here, and then I -- I kind of stop, and I
3 didn't know what to do, and I didn't even
4 know who the driver was, and I opened the
5 garage, and that person kind of like, "Oh,
6 go. Go."

7 And I thought, "why do I have to go? I
8 don't know who you are. You'd better leave."
9 And finally that person left, but then we
10 rolled the window -- the car windows, and I
11 realized they were having an argument, and I
12 felt very uncomfortable because those people
13 don't belong to my building, and I felt very
14 insecure because I didn't know what was going
15 on and why that person was in my driveway.
16 Very much just supporting what my neighbors
17 said. Thank you very much.

18 MR. LANDGRAF: Thank you. Okay.
19 Next is Brittaney and then I believe Anita
20 and perhaps Mattie.

21 MS. WESTLEY: Hello. My name is
22 Brittaney Westley. I live at Luann Place,
23 2202, the building that's right next to the
24 establishment with my boyfriend, and honestly
25 there's not much more I can say that's going

1 to be different than what they've said. I've
2 been there when the gunshots occurred. I've
3 seen multiple fights in the parking lot break
4 out from my apartment building because my
5 apartment's on the top floor of my building,
6 and I can see the whole parking lot, or the
7 front at least, of that establishment from my
8 balcony.

9 We've had to call the police multiple
10 times with the gunshots and also as noise
11 complaints. And they're -- they get there --
12 like everyone said, they get there within a
13 good reasonable time, but it doesn't seem
14 like it's been enough of a deterrent at all
15 to keep this from continuously happening.
16 And honestly, personally for me, I'm worried
17 about another gunshot occurring and if it is
18 going to be a stray bullet, what if it comes
19 into my building or one of my neighbors'.
20 Like, I have my cats that always sit up by
21 the windows. They're always right there. I
22 don't want to see something happen to them
23 either. I don't want to see one of the kids
24 in my building get hurt, and it's just --
25 they always come up into the grass that's

1 right against our parking lot area when
2 they're parking everywhere over there, and I
3 just -- I don't understand why they feel they
4 need to be blasting their music so loud all
5 the time and why they feel that that's a good
6 place to be yelling at each other or starting
7 fights or some such like that.

8 Honestly, I just -- it is a headache, to
9 say the least. I -- I can't really say
10 anything more than that other than what
11 everyone else has said. I'm -- I'm just
12 worried about for the state of the
13 neighborhood at this point. Thank you.

14 MR. LANDGRAF: Thank you. Anita
15 and then -- is it Mattie or Mahi (ph)?

16 MS. REESE: Mattie.

17 MR. LANDGRAF: Okay. Mattie.

18 MS. HOWARD: Hi. I'm Anita Howard.
19 I work for Laverne Buchanan. I've been
20 working for her for almost six years now. I
21 have a couple of things to address. If there
22 was -- when -- when you walk up on this
23 establishment, if there's music playing in
24 here, you can't hear it from the outside. So
25 where this music is coming from, I have no

1 clue.

2 Secondly, if there's a problem and you
3 all are right next door not even a half a
4 block away, we are -- you are able to reach
5 us. We're always on the premises. So I
6 can't understand why is it that no one ever
7 came. The number that we have at Luann Lane
8 has been that same number since Luann has
9 been open. The number has not changed, and
10 phone rings every day.

11 Catering, when we have catering jobs, it
12 may hold catering for 50 people. It may hold
13 catering for 60 people. We never know, but
14 we have to accommodate them. That's what we
15 are, a catering service. So with being with
16 the catering, we do also sell liquor, yes, we
17 do. At 10:45, we're closing down. So
18 meaning that if there's a host of 50 people
19 at 10:45, by 11:00, we make sure they're off
20 the premises. The parking lot holds at least
21 up to 100 cars parking. So why would anybody
22 have to park on the outside? No clue.

23 So I'm just kind of stipulating some of
24 the things that I heard throughout them --
25 you know, giving their statements. If I book

1 an event, I make sure that my people are gone
2 at least by 10:45. So if there's a problem
3 with the 10:45 thing -- we were issued an
4 11:00 curfew the last time we were here. So
5 we know how to get them off by 11:00.

6 And we do have security by the way. We
7 have two security guards that works every
8 event. That's who gets the parking lot
9 emptied. That's it. Thank you.

10 MR. LANDGRAF: Thank you.

11 MR. DONNELLY: I have a question,
12 please.

13 MR. LANDGRAF: Excuse me, ma'am?
14 One of the members has a question for you.

15 MR. DONNELLY: Bonus time. You get
16 a little bit more.

17 MS. HOWARD: Sorry.

18 MR. DONNELLY: Not a problem.

19 You said there are two security guards
20 there?

21 MS. HOWARD: Yes, it is.

22 MR. DONNELLY: How are the security
23 guards dressed?

24 MS. HOWARD: Sometimes we have
25 vests or we have T-shirts that have

1 "security" on the back. If you're across the
2 street, it may not be visual for you to see
3 that it says "security," you understand, but
4 we do have shirts.

5 MR. DONNELLY: Okay. Cool. Thank
6 you.

7 MS. HOWARD: You're welcome.

8 MR. LANDGRAF: Mattie, and then I
9 believe it may be Alice.

10 MS. REESE: Good evening. My name
11 is Mattie Reese. I am also employed with
12 Divine Orders and Catering. I am through voc
13 rehab. So I have a disability, and they are
14 training me back to get into the field
15 because I'm going to go into culinary.

16 I just want to say I heard a lot of
17 things here tonight, negative things about
18 Divine Orders Catering. So I just want to
19 throw some good things out there for you
20 guys.

21 It's a beautiful place. It's a
22 well-held place. Things do happen. I mean,
23 sometimes we just don't have control of
24 things happening. It just happens, but when
25 I'm at Divine Orders Catering, I've never

1 been there when there's been a fight. I've
2 never been there where we're disorderly
3 outside. Sometimes if we have a group of
4 people and everybody's talking, I think it
5 might tend to get a little noisy, but I don't
6 see us behaving in the wrong way.

7 I don't see the neighborhood going down
8 because Divine Orders Catering is there.
9 They say that their things are being
10 vandalized. If you watch the news, you see
11 children stealing cars and vandalizing cars
12 all over the neighborhood right now today.
13 So I don't believe that us grown folks are
14 going into the neighbors' cars and things
15 like that.

16 I also want to say that I learned a lot
17 from Divine Orders Catering. Like I said, my
18 dream is to be a caterer. So not only are
19 they teaching us skills, but we're being
20 employed in that neighborhood. I mean,
21 that's what we want. If we have businesses
22 there, that means that we want to employ
23 the -- you know, people in the neighborhood
24 or even outside the neighborhood.

25 I just wanted to throw some good things

1 out there because I do think that the
2 neighbors have the right to have their
3 concerns. We can't change how they feel
4 inside, but I don't think that it's enough to
5 say that it is time to remove this business.
6 This business is employing people, including
7 myself. I'm sending more people over from
8 the program that I'm in to be employed by
9 them. So I am just asking that we try to
10 come to some type of ground level here so
11 that everybody can be happy. That's all.
12 Thank you.

13 MR. LANDGRAF: Thank you. I'm not
14 sure about the name, but address is
15 1905 Greenway Cross. And then Dier --
16 Deidre, and then looks like Mag -- Magpie.

17 MR. MORRIS: Hello. How y'all
18 doing today? My name is Jackie B. Morris. I
19 am FIC, Focused Interruption Coalition, along
20 with Anthony Cooper and Jerome Dillard, and I
21 -- I been working with Laverne Buchanan for
22 three years now as far as Divine Orders
23 Catering.

24 I believe that some of the things that
25 has been said has been fabricated. As far as

1 garbage and stuff laying all over the place,
2 I don't believe that because I be there. She
3 have people that go pick up the garbage and
4 all that. I mean, they park along the side,
5 but I ain't never seen nobody park in the
6 grass. And yes, they park on the street, and
7 yes, when people full of alcohol and
8 something like that, they tend to act out
9 like that.

10 And shots -- shots -- the last shot
11 probably was last year or something like
12 that, and I'm sure Ms. Zilavy can contest
13 (sic) to that. So -- but as far as these
14 people -- I've never seen so many people
15 testify against a catering. Where you all
16 at? You all just came out the woodwork.
17 There's -- you can come and voice your
18 concern. The place do open from 7:00 to
19 10:45 on weekends, and Divine -- it's been
20 recorded there's been about six murders
21 within the three years, and she -- some of
22 them family members can't go and -- and rent
23 a place that have a repast. This lady,
24 Laverne Buchanan, have a repast for a lower
25 price, and some of them just be repasting,

1 and sometime it be events. Some people just
2 graduating from high school or some of them,
3 you know, want to throw a baby shower or
4 something like that, but, yeah, they have up
5 and downs. I'm sure the neighborhood as far
6 as going down, if anything, I think she
7 bringing more stability to the neighborhood.

8 And if -- if y'all want to voice y'all
9 concerns, you didn't have to come here to do
10 it, you could have come right here to this
11 lady, Buchanan, because she work for the
12 State too. I am employed at the UW Hospital.
13 So -- so I work for the State also. So --
14 but like I said, they can voice their
15 concerns, and they're welcome also, but most
16 of the stuff I just heard here, sir and
17 ma'am, is fabricated.

18 And they do have their opinion, and like
19 I say, I ain't even seen this many people
20 here. I ain't even know they lived in the
21 neighborhood, but you know, I will say
22 Laverne Buchanan is a great employer, and she
23 employs good people. Like I say, I -- I be
24 there. I be there every weekend because I
25 live around the corner on Greenway Cross, and

1 I can pick up -- there's no garbage. She got
2 seven, eight garbages out there. Okay? But
3 I just wanted to say that she is a good
4 person, and if you all people feel any
5 injustice, come and talk to her. Thank you.

6 MR. GRADY: Question for
7 Mr. Morris.

8 MR. LANDGRAF: Excuse me, sir.

9 MR. GRADY: Mr. Morris, would you
10 say that this is a nightclub?

11 MR. MORRIS: No, I wouldn't say
12 it's a nightclub.

13 MR. GRADY: Would you say that what
14 happens on weekends would be, I guess,
15 described as an after set?

16 MR. MORRIS: After -- It can't be
17 after set. After sets go on until 2:00 after
18 parties. No. This only lasts until 10:45 at
19 night. That's it. So --

20 MR. GRADY: And it's been your
21 experience that they close directly at 11:00?

22 MR. MORRIS: 11:00, yes, and they
23 take some people -- some people -- you know,
24 you get intoxicated. Some be, you know, be
25 intoxicated. And, you know, they come

1 outside and they want to holler. Yes, they
2 going to holler. You know, they be happy and
3 they leave there probably not in a timely
4 manner, sir, but they leave. You know, and
5 there have been incidents there, and there's
6 incidents all over.

7 They shot up Visions. Visions got
8 stabbed, shot up, and everything. They have
9 shots at Visions, but they still open until
10 2:00. I don't understand that. You know,
11 they had killings at O'Grady. They had
12 killings at a pizza pub. They had a killing
13 at the BP gas station. They have killings
14 all over the city, but this have never been
15 -- people have been shot and disrespected up
16 in Luann. You know, so, yes, they have
17 incidents. There's isolated incidents all
18 over the city.

19 So I'm sure everybody complaining all
20 over the city, sir, but Visions still open
21 until 2:00, and they had -- before the
22 incident that people got shot in Visions,
23 there was a shooting before that. So you win
24 and you lose some, but I respect their
25 opinion, but most of them been fabrication,

1 sir.

2 MR. LANDGRAF: Okay. Thank you.
3 Deidre?

4 MS. MCARTHUR: Yeah, I actually
5 support the revocation of the license. So I
6 guess -- I hope I didn't fill my form out
7 wrong. I think I should have been one of the
8 first set to speak. I don't know if I can
9 still speak.

10 MR. LANDGRAF: Well, you've --
11 you've told us. So --

12 MS. MCARTHUR: Okay. Yeah. I live
13 at 2022 Luann Lane, and unfortunately, I've
14 also experienced just the noise disturbances
15 happening late at night, an excessive amount
16 of traffic, very, very loud music coming from
17 vehicles. I do notice there is somewhat of a
18 good faith effort on the part of the business
19 to quiet it down, because I hear them coming
20 out to shout at the people in their vehicles
21 to leave when it's closing time.

22 Unfortunately, that can go on for 15 or
23 20 or more minutes, and then I think people
24 are inebriated at that point, and they're
25 just having a good time kind of partying in

1 the parking lot; and therefore, you know, it
2 kind of just keeps going on and on and on,
3 and they're getting yelled at to leave and
4 they're not leaving.

5 So this is late at night. It happens
6 during the week too. You know, I get up at
7 5:00 a.m. It's just very annoying. You
8 know, you have to call the police, and they
9 take quite a while to get there, and it's
10 just an ongoing issue. I do kind of feel bad
11 for the business, but I don't think that this
12 is a good place for this business at all next
13 to all these apartments and condos. It's
14 just a real nuisance, and it's -- it's
15 disturbing late at night.

16 It's been ongoing for quite a while now,
17 and I just don't think the business can
18 control the occu -- their patrons when they
19 become inebriated or whatever's going on when
20 they're released from -- they -- they leave
21 the business when it closes. It's just
22 they're not able to control the patrons.
23 They're just loud and noisy and really
24 blasting music so loud that it vibrates just
25 like everyone else said.

1 Also when they come into the parking
2 lot, oftentimes it's loud -- loud music is
3 being blasted on the way in too. So I do
4 think that lately the parking lot has been
5 quieter. They've kind of been controlling it
6 a little more, but that's not case in the
7 late evening when people are, I believe,
8 inebriated and they leave the establishment
9 for the evening. So it's just quite a
10 nuisance.

11 MR. LANDGRAF: Thank you.

12 MS. MCARTHUR: Thank you.

13 MR. LANDGRAF: Magpie?

14 MS. MAUTHE: My name is
15 Magpie Mauthe. I live at 2127 Luann Lane,
16 which is sort of across the street on the far
17 side of the building from Divine Orders
18 Catering. So instead of repeating what other
19 people have said, because I agree with all of
20 it, I think the issue really is that we are a
21 residential neighborhood, and this is a bar
22 operating in a residential neighborhood.

23 I have two kids. One of them is 17, and
24 she drivers home at night around 10:00 at
25 night and sometimes can't get in our garage

1 because there is so much traffic in the
2 street, and she's afraid to come home at that
3 time and have to deal with this, because at
4 17, she isn't really good at dealing with
5 drunk people, and I'm very glad about that.
6 So it really doesn't make sense to have this
7 sort of establishment, no matter how good it
8 is, no matter what type of a great boss she
9 is -- in a residential neighborhood. It is
10 literally right next to a multitude of
11 apartment buildings, and I think there would
12 have been more people here tonight, but there
13 was a fire in one of them this afternoon.

14 We are right across the street from it,
15 and I am one of those people that goes and
16 picks up trash every morning when I walk my
17 dog. My other condo board members make fun
18 of me sometimes for it, that I carry a bag
19 around.

20 If this was really a catering company,
21 you would think the trash I was picking up
22 would be plates and forks and spoons and
23 stuff. I'm picking up bottles. I don't know
24 names of sizes, but I'm picking up bottles
25 like this big, empty, from alcohol, and

1 they're all glass, and there's kids all over.
2 There's little kids that are right down the
3 street. I'll find smashed glass on the
4 street, and I'm trying to pick it up because
5 the 3- and 4-year-olds that play outside
6 right across the street from the park or
7 right across from the Aldo Leopold Park are
8 going to be picking that up.

9 I am one of the people who has found
10 full cans of beer. It's all alcohol-related
11 garbage. There is nothing related to food
12 that I find and pick up on the street. But I
13 pick up bags of stuff each week and throw
14 them away. I can keep and take pictures, if
15 you'd like. Thank you.

16 MR. LANDGRAF: Okay. That's
17 everyone who is -- has registered to offer a
18 comment, and now we'll go to Muneer. Did I
19 pronounce that name correctly?

20 MR. AFIFI: Yes.

21 MR. LANDGRAF: Okay. So the court
22 reporter will swear you in, and then you can
23 offer your -- you will offer your comments,
24 and -- and then because you're offering sworn
25 testimony, you will have the opp -- or the

1 assistant city attorney and the license
2 holder will have the opportunity to ask you
3 questions.

4 MR. AFIFI: That's fine.

5 MUNEER AFIFI,
6 called as a witness being first duly sworn in
7 the above case testified under oath as follows:

8 MR. AFIFI: Hi. Thanks for having
9 me. My name is Muneer Afifi. I live at --
10 on Luann Lane in the Christopher Terrace
11 Condominiums. I have a direct view from my
12 bedroom of the nightclub/catering
13 establishment, and it's about 400 feet away
14 across the street. So it's kind of diagonal
15 birdseye view.

16 I've owned this property, and I've lived
17 here on Luann Lane since September of 2015.
18 When Divine Orders Catering opened, I was
19 actually pleased to know that a small
20 business was opening and investing in my
21 community, and I actually attended the
22 opening meeting along with Sheri Carter and
23 congratulated them and wished them good luck.

24 Since opening, Divine Orders Catering
25 has been nothing but problems. As a

1 neighbor, I've seen very loud parties occur
2 repeatedly during all seasons, particularly
3 on Friday and Saturday nights. Even after
4 the location is "closed," air quotes, the
5 party would continue in the parking lot and
6 on the street. It's clear they're not
7 following license conditions, including
8 operating hours and the food.

9 I've heard shots fired on multiple
10 occasions with 911 calls and everything. The
11 commercial office building containing this
12 nightclub-type establishment is not
13 constructed to handle this type of business,
14 and there's a large secluded parking lot
15 behind the nightclub which creates inherent
16 safety issues. What happens behind the
17 building is impossible to know unless if you
18 were to actually physically drive back there,
19 which is impossible even for emergency
20 responders when the club is operating or walk
21 back there.

22 After the parties are over, a trail of
23 litter is left in the street, lawns, and
24 neighboring parking lots. When emergency
25 services are called due to those shots fired,

1 it's impossible for them to safely arrive due
2 to the level of congestion in the streets.
3 So we're talking a normal residential road
4 double parked on both sides.

5 I feel unsafe on my street after dark
6 solely due to Divine Orders Catering. I
7 request that their liquor license renewal be
8 denied. Thank you for your consideration,
9 and I am prepared to answer any questions.

10 MR. LANDGRAF: Mr. Donnelly?

11 MR. DONNELLY: Thank you,
12 Mr. Chair.

13 EXAMINATION

14 BY MR. DONNELLY:

15 Q The party noise that you've heard, has that come
16 from inside the building or from the parking lot
17 or somewhere else?

18 A It's come from at times inside the building,
19 including you can see flashing kind of, if you've
20 ever been to a wedding, like, the disco light sort
21 of thing. You can see that from the window of the
22 establishment, and the sound is also coming from
23 the establishment. Later on at night, you hear
24 the park -- you hear it coming from the parking
25 lot, so the property, but cars parked in the

1 parking lot that are not leaving.

2 Q And what have you seen Divine Orders Catering do
3 to police their parking lot?

4 A I have seen no action to police their parking lot
5 by Divine Orders Catering. The only actions I've
6 seen to police the parking lot is when it gets bad
7 enough that you have to call Madison Police, and
8 Madison Police eventually responds and in as
9 timely as they can for a noise complaint, and it
10 usual dissipates on its own when Madison Police
11 arrives.

12 MR. DONNELLY: Thank you.

13 MR. LANDGRAF: Thank you.

14 Assistant City Attorney Zilavy?

15 MS. ZILAVY: I don't have any.

16 MR. LANDGRAF: And is Ms. Buchanan
17 here?

18 MS. BUCHANAN: Yes.

19 MR. LANDGRAF: Do you have an
20 interest in asking Muneer any questions?

21 MS. CARTER: I have a question.
22 I'll wait until after.

23 MR. LANDGRAF: So for the record --
24 excuse me. For the record would you just
25 introduce yourself.

1 MS. BUCHANAN: I'm
2 Laverne Buchanan, Divine Orders Catering,
3 LLC.

4 MR. LANDGRAF: Thank you.

5 MS. BUCHANAN: So I do have some
6 questions.

7 EXAMINATION

8 BY MS. BUCHANAN:

9 Q You said you -- you said you're located in front
10 or the back of the building?

11 A I'm located -- I'm located in the front on --
12 right on Luann Lane. So I'm in the parking lot of
13 Christopher Terrace, and I'm in what we refer to
14 as building 3.

15 Q Okay.

16 A I have a corner unit. So I can both see
17 Aldo Leopold Park if I -- imagine if I'm standing
18 at my window right here. I can look to my left,
19 and I can see the park, and I can look to the
20 right and see the catering establishment, and if I
21 look straight out, I see where the fire was today,
22 the Parkside Apartments or whatever.

23 Q Okay. So like directly in the front --

24 A Right.

25 Q -- that you can see? Okay.

1 Do you know where we're located in that
2 building?

3 A Yeah. You're located on the bottom floor to the
4 right side.

5 Q Okay. We're -- do you know that we're in the back
6 of the building?

7 A That would make sense because that's where a lot
8 of the sound is coming from.

9 Q Okay. You said -- so you hear the sound coming
10 from inside the building?

11 A Yes, ma'am.

12 Q Okay. And you said you see strobing lights?

13 A Yes, ma'am.

14 Q Okay. So in that building, you cannot hear one
15 sound, and if you're in the front of the building,
16 there's absolutely no way --

17 MS. ZILAVY: Objection. She's
18 testifying.

19 Q -- that you're going to see strobing lights.

20 A So that's not any experience that I've --

21 MR. ALLEN: There's an objection.
22 The Chair has to rule.

23 Q You say you've seen strobing lights, though?

24 MR. LANDGRAF: Excuse me,
25 Ms. Buchanan.

1 MS. ZILAVY: I objected because
2 she's testifying.

3 MS. BUCHANAN: Oh, I'm sorry.

4 Q Did you say that you see strobing lights?

5 A Yes.

6 Q How do you see the strobing lights if you're in
7 the front of the building?

8 A Because they're coming through the window. I've
9 been to this location at its opening side. It
10 takes it up whole side of the building, and I've
11 seen the lights coming from the building.

12 Q I've been in front of the building, and I've
13 never --

14 MR. LANDGRAF: Excuse me.

15 Q -- been able to see strobing lights. So I just
16 wondered.

17 MR. LANDGRAF: You -- ask all the
18 questions you want, but please don't --

19 MS. BUCHANAN: Okay.

20 MR. LANDGRAF: -- offer testimony.

21 MS. BUCHANAN: Okay.

22 Q You said that -- did you say that you hear shots
23 fired?

24 A Yes. I've called the police about shots-fired
25 before at that property.

1 Q And you're sure that it's on Luann Lane? I mean,
2 in my parking lot?

3 A Yeah. There's actually been one circumstance
4 where the police received multiple shots-fired
5 calls at the same time and -- to the point where
6 there was a Madison police officer writing reports
7 in the Mattress Firm parking lot, which is right
8 around the corner, and he heard the shots come
9 from the same direction as I did. So it's kind of
10 like triangulation. So of those shots fired, it
11 was 100 percent certain that the shots came from
12 the parking lot.

13 Q And you said the police came once you said the
14 shots were fired?

15 A Uh-huh. Yes, ma'am.

16 Q Do you know if they found gunshot shells on the
17 premises?

18 A I don't have the police report.

19 Q Okay. Did you know that we only had one isolated
20 incident where gunshots were fired on the
21 premises?

22 A It has been more than one incident.

23 Q Okay. Did you know that it is an actual
24 restaurant and bar?

25 A No, because there's been -- well, the bar makes

1 sense. That's what we're here for. The
2 restaurant, no, I -- it does not clearly serve
3 food. There's never been any place of purchase
4 advertising. So there's never been any, you know,
5 "two for \$4 burger" signs on the outside. There's
6 never been any direct to mail -- or direct to
7 consumer advertising like fliers. There's never
8 been advertisements, coupons.

9 It's also not listed. When you Google
10 Divine Orders Catering, it's not listed as a
11 Google place that serves food. If you're familiar
12 with, like, search engine optimization, it's very
13 cheap or free for a small business to go online
14 and advertise two for \$4 burgers, two for \$4
15 Fridays, and there's never been any whatsoever
16 food advertising about Divine Orders Catering.

17 Q Have you ever been in the facility?

18 A Yes, I have.

19 Q Can you tell me when.

20 A Sure. But when you -- when -- I shouldn't say
21 you. When Divine Orders Catering was applying for
22 the license initially, there was a neighborhood
23 meeting. Sheri Carter was there as well as a
24 police officer.

25 Q Mm-hmm.

1 A I walked in the building. Nobody else was there.
2 I said "Hi," said, "good luck" and left.

3 Q Okay.

4 A It's a small restaurant and when I was there,
5 there was a lot of, like, booths sort of thing.
6 Like, not new booths; retired, like, fast
7 food-style booths. So when I was there, it was
8 set up as what looked like a restaurant.

9 Q Have you ever been there to actually -- after that
10 time to see if we serve food?

11 A No. I would fear for my own personal safety to go
12 there.

13 Q Why would you fear for your safety?

14 A Because of the numerous shots fired on the
15 property. It's the same reason I fear for my
16 safety for being outside after dark when there's a
17 party going on, because it's lots of drunk people
18 that are known to be armed because of the
19 shots-fired calls in my neighborhood.

20 Q In your neighborhood or on Divine Orders Catering
21 property?

22 A On Divine Orders Catering property, which is a
23 property in what I consider to be my neighborhood.
24 I am about 400 feet away from the catering
25 establishment or nightclub. So I think of that as

1 my neighborhood. I love it. I've lived here for
2 three, four years now.

3 Q Are people known to carry weapons?

4 A Excuse me?

5 Q Are people in the neighborhood before we came
6 known to carry weapons or shoot in the air or
7 things of that nature?

8 A There was no shots-fired calls that I personally
9 called prior to Divine Orders Catering moving to
10 the neighborhood.

11 Q Okay. You said there's no advertisement for food?

12 A I have not seen advertisement for food, yes,
13 ma'am.

14 Q And you googled it?

15 A Yes, ma'am.

16 Q Are you aware that people communicate with me
17 directly through my website and Facebook?

18 A That would make sense. That's a very popular way
19 of communicating, particularly with small
20 businesses.

21 Q Are you aware that we advertise food on Facebook
22 and on my site?

23 A There has been -- again, I don't know how to
24 stress it. There's been no advertisements
25 indicative of a restaurant operating.

1 Q How would you know that if you indicated you can't
2 search me?

3 A When you search, you come up with a blank page
4 that says "Divine Orders Catering" with reviews
5 and no content.

6 MS. BUCHANAN: Okay. I'll have to
7 check that out. Thank you.

8 THE WITNESS: You're welcome.
9 Thank you.

10 MS. ZILAVY: Mr. Chair, can you ask
11 people back there to refrain from shouting
12 out comments while you're hearing evidence.

13 MR. LANDGRAF: Okay. Yeah, I'm
14 sorry. Obviously, as people are talking up
15 here, we'd appreciate the folks in the
16 audience to not be participating as well.

17 Do you have any -- anything further?

18 MS. BUCHANAN: I have one more.

19 MR. LANDGRAF: You have one more
20 question?

21 Q Can you tell me what that is.

22 A That's a Face --

23 MS. ZILAVY: Objection. What is
24 she showing him?

25 MS. BUCHANAN: I'm showing him the

1 Divine Orders Catering site that advertises
2 food. He said he can't search me.

3 A I'd be happy to answer that. This is -- what
4 she's showing me is she's showing me a Facebook
5 listing for a business that has apparently been in
6 business for years with two Facebook reviews, with
7 no recent posts. The most recent post on here was
8 November 2017 advertising a macaroni and cheese
9 contest, which was prior to the most recent change
10 of license conditions that didn't help.

11 There's no recent within the last 18 months
12 advertising indicating that this is a food
13 restaurant. The most recent review is actually
14 eight months ago where it reads, "How could you
15 improve? Move out of the office building you're
16 located in. why? Because it's zoned as a
17 residential area, not a business."

18 Q Are you aware that this goes to my Facebook as
19 well but --

20 A I don't know what you're asking me.

21 Q Are you aware that this site takes you to my
22 Facebook as well?

23 A You -- I'm just clicking on what you handed me.
24 I'm not Mark Zuckerberg.

25 Q But you said you can't find me if you googled me,

1 right?

2 A There's no content. You asked me are you a
3 restaurant. There's no content indicating there
4 that you're a restaurant.

5 Q No --

6 A If I was hungry for a two for \$4 cheeseburger, I
7 would not find your page. I would find
8 Burger King.

9 Q No, I asked you, "Can you search me," and your
10 answer was "no," correct?

11 A There's no recent content.

12 MS. BUCHANAN: Okay.

13 MR. LANDGRAF: Alder Carter. Did
14 you have a --

15 MS. CARTER: Oh, thank you.

16 EXAMINATION

17 BY MS. CARTER:

18 Q You mentioned Mattress Firm is around the corner.
19 Isn't it on the frontage road at the Beltline?

20 A Yeah. The parking lot to Mattress Firm is
21 basically abutting the rear parking lot to
22 Divine Orders Catering. They're very close.

23 Q The parking lot is close?

24 A Yeah.

25 Q Okay. I think at our -- the neighborhood meeting,

1 it was brought up that there is no regulations for
2 restaurants to have to have a menu. Do you
3 remember that? We were talking about that.

4 A I haven't attended any neighborhood meetings about
5 this.

6 Q Were you at the April -- I'll go to my calendar.
7 Were you at the last meeting that -- that I had --

8 A Uh-uh.

9 Q -- at the church?

10 A Uh-uh.

11 Q Okay. So it'd be hard to say that every
12 restaurant has to have these elements to be a
13 restaurant.

14 A Yeah. I -- I'm testifying --

15 Q That's not enforceable.

16 A -- my facts and experience. I guess it's up to
17 you guys whether it meets the legal definition of
18 a restaurant.

19 Q Well, I think that it would be welcome for you to
20 say it's your experience versus it's required.
21 That's fine.

22 So you were at the opening. How many people
23 were at the opening when I sent out those 600
24 cards?

25 A Not -- not 600, I'll tell you that. I -- I

1 attended the opening right away at the start, and
2 it was you and it was the officer. Nobody else
3 was there at the time, and I left.

4 MS. CARTER: Okay. Thank you.

5 THE WITNESS: You're welcome.

6 MR. LANDGRAF: Assistant City
7 Attorney Zilavy, questions?

8 MS. ZILAVY: No.

9 MR. LANDGRAF: All right. Well,
10 thank you very much.

11 MS. CARTER: One more thing.

12 Q Did you have documents that you were submitting or
13 just your testimony?

14 A No. I -- the -- the incident reports for the
15 shots fired that I'm referring to are not only
16 just public record. I mean, we could go to the
17 City --

18 Q But you didn't have anything that you were
19 submitting?

20 A No.

21 MS. CARTER: Okay. Thank you.

22 A I had hoped that Cory Nelson would be able to
23 submit call records.

24 Q That's fine. I thought you said you had documents
25 you were submitting?

1 A I do not, no.

2 MS. CARTER: Okay. Thank you.

3 MR. LANDGRAF: Thank you, sir.

4 Okay. I have no other persons
5 registered, and no one else has talked about
6 offering testimony. So Assistant City
7 Attorney Zilavy.

8 MS. ZILAVY: Have you called the
9 case?

10 MR. LANDGRAF: I thought we did.
11 Let me figure out where I put my paper here.

12 Okay. We have two complaints, City of
13 Madison versus Divine Orders Catering, which
14 is the alcohol -- class B combination
15 beverage license and entertainment license,
16 and then the City of Madison versus
17 Divine Orders Catering, non-renewal of the
18 class B combination alcohol license and City
19 of Madison entertainment license.

20 MS. ZILAVY: Do you want the
21 appearances?

22 MR. LANDGRAF: Yes.

23 MR. ALLEN: Ms. Buchanan, you can
24 come up here and take a seat.

25 MS. ZILAVY: The City appears by

1 Assistant City Attorney Jennifer Zilavy.

2 MR. ALLEN: And at your table is
3 your --

4 MS. ZILAVY: Captain Cory Nelson.
5 He's the captain of the South Police
6 District.

7 MR. LANDGRAF: And appearing for
8 the license holder is --

9 MS. BUCHANAN: Divine Orders
10 Catering, LLC, Laverne Buchanan. I was
11 supposed to have an attorney, but I -- one of
12 the things I wanted was the three days that
13 I'm supposed to get to be able to -- to do
14 that.

15 MR. LANDGRAF: I just wanted to get
16 your name on the record. Assistant City
17 Attorney Allen?

18 MR. ALLEN: Ms. Buchanan, you are
19 not an attorney, correct?

20 MS. BUCHANAN: Excuse me?

21 MR. ALLEN: You are not an
22 attorney, right?

23 MS. BUCHANAN: No, I'm not.

24 MR. ALLEN: Okay. Just so you
25 understand, when you're acting as a pro se

1 person, there's a real risk that your
2 statements -- when you're not under oath,
3 sometimes people want to testify, and they're
4 not under oath. So when you're questioning
5 people, phrase -- earlier, you had a tendency
6 to make statements --

7 MS. BUCHANAN: Mm-hmm.

8 MR. ALLEN: -- because you were
9 sort of disagreeing with what the witness had
10 to say. Try and avoid that. I know there's
11 a natural tendency to want to refute what
12 someone says or make a statement, but save
13 that for when you are under oath. Okay?
14 Because what's going to happen is you may say
15 something important to you that's not under
16 oath, and the commission can't take that as
17 evidence. They can't rely on that. It's
18 like an attorney's argument of counsel, if
19 you've heard the phrase.

20 MS. BUCHANAN: Yeah.

21 MR. ALLEN: So -- and they can't
22 give any weight to arguments of counsel.
23 It's just an attempt to persuade people how
24 to view the evidence. So when you're acting
25 the role of defending your business and your

1 license and you're not under oath, just
2 questions. Okay? If at any time you think
3 that there's a legal within -- which is going
4 to be difficult because you're not an
5 attorney -- to object to something, object
6 and just state your reason why you think the
7 question shouldn't be asked or the answer
8 given. Okay?

9 MS. BUCHANAN: Okay.

10 MR. ALLEN: Do you have any
11 questions for us as to how this is going to
12 proceed? The first -- the City Attorney has
13 to make her case that you should not have
14 your license renewed. She'll call her
15 witnesses. She'll question them. Then
16 you'll have an opportunity to question her
17 witnesses, and then she'll have an
18 opportunity to finish up with her witnesses.
19 And this can go back and forth as long as the
20 two of you have questions for the witness.

21 when she finishes with her witnesses,
22 you'll have an opportunity to call your
23 witnesses, and then you question your
24 witnesses, and she gets to question
25 afterwards. At the very end, there's a

1 chance for either of you to call rebuttal
2 witnesses. Those are only people who can
3 refute something that another witness has
4 said in the case. Okay?

5 MS. BUCHANAN: Okay.

6 MR. ALLEN: And if there's any
7 point you have a question as to how to
8 proceed, feel free to ask. We can't give you
9 legal advice, but we can tell you what the
10 legal procedures are here. Okay?

11 MS. BUCHANAN: Yes. I do have a
12 question, though.

13 MR. ALLEN: Fire away.

14 MS. BUCHANAN: I was wondering -- I
15 did actually seek out counsel, and one of the
16 things that I -- that I was advised is that I
17 was supposed to be given three days and no
18 later than ten days to be able to actually
19 review material. I was trying to get an
20 attorney. I wasn't able to do that because I
21 was not given the three days. The other
22 thing is the audit part that -- that piece
23 just came. So that should -- that should not
24 be into -- entered today.

25 The -- there's an amendment, but it was

1 new evidence. So I was not allowed the three
2 days. The attorney did try to make contact
3 with Jennifer -- Attorney Jennifer Zilavy to
4 try to see if she would give me the three
5 days. Part of that is so that I could get an
6 attorney, and so he had -- he did indicate
7 that that was in accordance with the law, and
8 so I guess if I'm not going to be given that
9 time frame, then -- then I'll proceed, but I
10 would prefer to have my attorney.

11 MR. LANDGRAF: Assistant City
12 Attorney Zilavy?

13 MS. ZILAVY: Okay. I believe
14 Attorney Allen can advise you as to the --
15 what she's referring to as the three days.
16 The statute states that a non-renewal
17 complaint cannot be served more than ten days
18 nor less than three days before a hearing.
19 Ms. Buchanan was served last Friday, I
20 believe it was, with her complaint. So
21 that's definitely three days before the
22 hearing.

23 The amended complaint that was filed --
24 an amended complaint can basically be filed
25 at any time once prior to the start of a

1 hearing. And it actually referred to items
2 that were already in the complaint. I did
3 talk to the attorney that she contacted, and
4 he said that unless she paid him, he was not
5 going to be here tonight. I don't know if at
6 some point she will pay him and hire him or
7 not. I would submit to the committee that
8 that we go forward tonight and the committee
9 renders a decision. If at some point in the
10 future within a reasonable period of time she
11 does hire an attorney, then they can reopen
12 the case at that time, but on a -- on an off
13 chance somebody is going to hire an attorney,
14 I don't think it would be appropriate to
15 adjourn the hearing at this point.

16 MS. BUCHANAN: I'm actually going
17 to hire the attorney, and I'm just saying to
18 you that the item was amended, but it was a
19 new -- it was brand new allegations. It was
20 not the same allegations in the complaint,
21 and the audit material just came yesterday.
22 So that's one day. So that would also have
23 to be left out as one day. That's -- that's
24 brand new.

25 MR. LANDGRAF: Assistant City

1 Attorney Allen?

2 MR. ALLEN: Thank you. Assistant
3 City Attorney Zilavy, did I hear right that
4 the summons and complaint was served
5 April 26th, Friday of last?

6 MS. ZILAVY: Let me just look at
7 the paperwork to verify. Yes, the 26th, both
8 Ms. Buchanan and the liquor/beer agent were
9 served on the 26th.

10 MR. ALLEN: Okay. For the
11 committee's edification, section 125.12 sub
12 paragraph 2, sub paragraph AR, states that
13 the complaint has to be -- the summons and
14 complaint has to be served not less than
15 three days nor more than 10 days before the
16 hearing. So this satisfies that.

17 As to the evidence, that's a question
18 for the committee whether or not there's been
19 enough time, but the summons and complaint
20 state the allegations. The evidence is
21 something that the City Attorney does not
22 have to disclose prior to the hearing.

23 In fact, the objection's rather spurious
24 in the fact that if she was required to
25 produce all of the evidence, then she would

1 be required to have all of the witnesses
2 produced to Ms. Buchanan prior to this
3 hearing. So you can give her more time if
4 that's in your discretion if she waives that
5 10-day limitation on the outside of the
6 statute, but from my point of view -- and I'm
7 the person who will defend your decision --
8 this has been timely service of the summons
9 and complaint, and these matters as the
10 statute indicates are supposed to proceed
11 forthwith, and we're within that 3- to 10-day
12 window that the statute essentially commands
13 that these hearings occur.

14 MS. BUCHANAN: So you're saying
15 even with the amended --

16 MR. LANDGRAF: Excuse me.

17 THE WITNESS: Sorry.

18 MR. LANDGRAF: I want to see if any
19 member of the committee has a question for
20 Assistant City Attorney Allen. Mr. Fletcher?

21 MR. FLETCHER: I think just for --
22 just for perfect clarity on this and with the
23 amended complaint being served later on,
24 there's no new tolling period after the
25 amended complaint again? So you don't start

1 the three days again? The original complaint
2 was served in a timely fashion. That's your
3 statement. The amendment doesn't count
4 towards that either way?

5 MR. ALLEN: That's correct.

6 MS. CARTER: And I just have a
7 quick question. So if Ms. Buchanan decides
8 to appeal, does she come back to the ALRC
9 meeting, or is it another hearing like this?

10 MR. ALLEN: No. What happens is
11 this committee makes its thumbs-up or
12 thumbs-down decision. I draft a --
13 essentially an order that then goes to the
14 Common Council, and there's an opportunity if
15 the Common Council wants to open it up for
16 additional hearing, they can do that. It's
17 never happened in the City of Madison, but
18 then they could also remand it back to the
19 ALRC for further proceedings.

20 So this isn't the end of it. If the
21 Common Council approves, let's say, it's a
22 non-revocation, then there's nothing to
23 happen, right? Non-revocation, in other
24 words, an approval of the application for
25 renewal.

1 If, however, the Common Council -- the
2 recommendation of the this body is to not
3 renew the license and the Common Council
4 agrees with that, she could bring an action
5 in court.

6 MS. CARTER: So -- okay. But when
7 Attorney Zilavy said that if she -- she can
8 appeal within a reasonable time, that would
9 have been the going to court?

10 MR. ALLEN: well --

11 MS. ZILAVY: I didn't -- I said she
12 could take -- they could move to reopen the
13 case, not appeal it --

14 MS. CARTER: Oh, move to -- okay.

15 MS. ZILAVY: -- but to reopen it
16 given if she, in fact, hired an attorney.

17 MS. CARTER: Okay.

18 MR. ALLEN: It would take a motion
19 for reconsideration by somebody on the
20 prevailing side of the motion from this body
21 if it hasn't lost jurisdiction or control of
22 this item to the Common Council. But if the
23 Common Council has already acted on this,
24 then that's it, but, you know, as I say time
25 and time again to license holders, the ALRC

1 is not the end of the process. You have to
2 follow up with the action of the
3 Common Council.

4 MS. CARTER: Thank you.

5 MR. ALLEN: You're welcome.

6 MS. ZILAVY: So Attorney Allen, for
7 further clarification, this -- the committee
8 could hear the case tonight, make their
9 decision tonight, then -- but hold it in
10 abeyance for, say, 15 days to see if she does
11 hire an attorney. Is that something that
12 would be possible?

13 MR. ALLEN: My recommendation is to
14 not proceed that way because then you risk
15 wasting everyone's time here tonight
16 testifying, because if I were representing
17 the business, I would want to reopen, of
18 course, and I would want to go through the
19 whole process again.

20 There's some things -- there's an old
21 adage about people who represent themselves,
22 and I don't mean to say anything negative
23 about you, but that adage is there because
24 it's not the wisest decision.

25 That being said, we're kind of up

1 against the gun here ourselves in the city
2 because this renewal window is very narrow,
3 and that's why the statute -- it's an
4 extraordinary statute to say that a summons
5 and complaint can't be served any less than
6 three days before your hearing nor more than
7 10. Usually, you see a limitation on how
8 little notice can be given to a person but
9 not closing that to say, "You can't given
10 more than 10." The whole idea of the statute
11 is to get the process going and done before
12 the next licensing year is upon us and
13 recognizing that the ALRC is not the end of
14 the process. There's still the
15 Common Council, which would reopen it at its
16 hearing. And I just know you guys have
17 gotten efficient and have had some short
18 meetings recently, but you're always willing
19 to go whatever hours it takes to get the job
20 done and to ensure that due process is
21 afforded to people.

22 So, you know, there is that possibility
23 that you could be doing this again,
24 Ms. Zilavy, in front of the Common Council.

25 And Ms. Buchanan, I believe you were

1 asking me a question. I want to be fair to
2 you here.

3 MS. BUCHANAN: I think that that
4 was the question, is if I could be given that
5 time -- I meaning, she just mentioned a
6 possibility of about 15 days. Why can't that
7 time frame be given to me to get an attorney?

8 MR. ALLEN: Let me ask you for the
9 committee's clarification. Are you willing
10 to waive the 10 days? The statute says, and
11 I believe that both of you have no objection,
12 then there's not an appealable issue, but
13 right now, the statute says that you received
14 this within, you know -- you've been given at
15 least three days and less than 10 days. Are
16 you willing to waive that outer limit of 10
17 days?

18 MS. BUCHANAN: I'm sorry. Explain
19 it to me again.

20 MR. ALLEN: Well, you've -- you
21 have an equal right to have this hearing done
22 within the ten days' receipt of your -- of
23 the summons and complaint. Part of that may
24 be because some of your creditors who supply
25 alcohol may be less willing to afford you

1 alcohol if your license is in jeopardy.
2 There's several interests that this statute
3 protects. So -- and the statute is a
4 "shall." So unless both of you are willing
5 to waive that 10 days, my recommendation to
6 the committee would be that this proceeding
7 go forward. So I think that they need to
8 know whether you and Ms. Zilavy and the City
9 are willing to waive that 10 days in which
10 this hearing has to occur from the receipt of
11 the summons and complaint.

12 MS. BUCHANAN: So proceed without
13 the attorney, and then they would have an
14 opportunity to do --

15 MR. ALLEN: No. No. What I'm
16 asking you is: This statute says that this
17 hearing has to occur within 10 days.

18 MS. BUCHANAN: Correct.

19 MR. ALLEN: Are you willing to say,
20 "I don't care about the 10 days. I want you
21 to push it out further than that"? Is that
22 what you're saying to the committee?

23 MS. BUCHANAN: Yes.

24 MR. ALLEN: Okay. Ms. Zilavy,
25 what's the City's position on the ten days?

1 MS. ZILAVY: I do not agree to
2 waive the ten days.

3 MR. DONNELLY: Mr. Chair, I move
4 that we go into closed session so that we can
5 confer with our counsel.

6 MR. FLETCHER: Second.

7 MR. LANDGRAF: Motion and a second
8 to go into --

9 MR. DONNELLY: Hang -- hang on a
10 second.

11 MR. LANDGRAF: -- closed session to
12 confer.

13 MR. DONNELLY: Wisconsin statute
14 19.85(1)(a) -- all right. I move that we go
15 into closed session per Wisconsin statute
16 19.85(1)(a), (1)(b), and (1)(g) of Wisconsin
17 statutes, which read in relevant parts:

18 (A), deliberating in considering a case
19 which has the subject of any judicial or
20 quasi trial or hearing before the
21 governmental body;

22 (B), considering licensing or discipline
23 of any person licensed by the ALRC for the
24 investigation of charges against such person
25 and the taking of formal action on such

1 matter;

2 (G), conferring with legal counsel for
3 the ALRC who is rendering oral or written
4 advice concerning strategy to be adopted by
5 the body with respect to litigation in which
6 it is or is likely to become involved.

7 MR. LANDGRAF: Okay. We have a
8 motion and a second to go into closed
9 session. All in favor say, "Aye."

10 COMMITTEE MEMBERS: Aye.

11 MR. VERVEER: It's tradition that
12 we have a roll call vote when we go into
13 closed session --

14 MR. LANDGRAF: Okay.

15 MR. VERVEER: -- in the City of
16 Madison government.

17 MR. BOXRUD: As a non-voting
18 member, should I stay?

19 MR. LANDGRAF: Yes.

20 MR. VERVEER: Now we need a roll
21 call vote, but Eric just left.

22 MR. LANDGRAF: All right. So --

23 MR. ALLEN: He's moving people down
24 the hall.

25 MR. LANDGRAF: -- all right. Well,

1 then can I do the roll call, or do we need
2 the clerk for that?

3 MR. VERVEER: Well, next thing that
4 Eric can do is communicate with the City
5 channel that we're off the air.

6 MR. LANDGRAF: Okay. We need you
7 for a roll call. Roll call. We need -- we
8 need you for a roll call vote.

9 THE CLERK: You guys can shut off
10 your microphones.

11 MR. VERVEER: The way we do it,
12 Eric, for Finance Committee closed sessions
13 is you are communicating via e-mail with City
14 channel producer/director, and they tell you
15 when they're on the air and when you're off
16 the air. I don't know if --

17 (Committee in closed session.)

18 (Hearing resumes.)

19 MR. LANDGRAF: We have a motion to
20 come out of closed session.

21 MR. VERVEER: We did that. We just
22 do the roll call for quorum.

23 MR. LANDGRAF: All right. So we
24 talked about the --

25 THE CLERK: Wait, I have to do roll

1 call first.

2 MR. LANDGRAF: Oh, okay.

3 THE CLERK: Coming back from closed
4 session. In attendance: Alder Carter?

5 MS. CARTER: Present.

6 THE CLERK: Mr. Donnelly?

7 MR. DONNELLY: Present.

8 THE CLERK: Mr. Fletcher?

9 MR. FLETCHER: Here.

10 THE CLERK: Mr. Grady?

11 MR. FLETCHER: He stepped out for a
12 second.

13 THE CLERK: Mr. Landgraf is here.
14 Alder Skidmore is excused.

15 Alder Verveer?

16 MR. VERVEER: Here.

17 THE CLERK: We have quorum.

18 MR. LANDGRAF: Okay. We're back in
19 session.

20 So we talked about the -- the
21 possibility of continuing the hearing, and
22 given -- given all of the witnesses that are
23 here and the schedule that the committee has
24 for additional work that has to be done
25 before the City Council meeting, we made the

1 decision that we're going to move forward
2 this evening.

3 So with that, Assistant City
4 Attorney Zilavy?

5 MS. ZILAVY: The City would call
6 Laura Larsen.

7 MR. VERVEER: We're going to -- we
8 set up the witness chair over here.

9 MS. LARSON: Oh, over here? Okay.

10 EXAMINATION

11 BY MS. ZILAVY:

12 Q Please state your name and spell it for the
13 record.

14 A Laura Larsen, L-A-U-R-A L-A-R-S-E-N.

15 Q You work in the City of Madison Finance
16 Department, correct?

17 A That is correct.

18 Q What is your official title?

19 A I'm the City's Budget and Program Evaluation
20 Manager.

21 Q What do your job responsibilities include?

22 A So I supervise three teams within the finance
23 department. One of the teams is the budget
24 development team. We're responsible for building
25 the City's operating and capital budgets. I also

1 see the City's -- oversee the City's data efforts
2 working with agencies around leveraging their
3 data, and then I also oversee the City's internal
4 audit program, which includes conducting audits of
5 license holders at the request of the ALRC.

6 Q How long have you been employed by the City?

7 A I've been in my role here for four years.

8 Q Are you familiar with Divine Orders Catering?

9 A I am. I was requested by the ALRC in November of
10 2018 to con -- conduct an audit regarding the
11 compliance with the license holder with MGO 38.05.

12 Q Can you explain how you went about conducting the
13 audit.

14 A Yep. So we received the audit request from the
15 committee in late November. I prepared a letter
16 for the license holder indicating that the audit
17 process -- that the audit has been requested and
18 that we needed to meet to begin the process. So
19 that letter was sent out in late January via
20 certified mail from the City finance department.

21 So that -- that letter was later returned
22 back to the finance department at the end of --
23 end of March. Prior to receiving the notice
24 back --

25 Q Let me stop you for a second. When you say it was

1 -- you received it back, why did you receive it
2 back?

3 A It was unclaimed.

4 Q And what did you do when you got the letter back?

5 A So prior to receiving the letter back, I had
6 worked with the City Attorney's office, with you,
7 and then also with staff at the Southern District,
8 Captain Nelson to help -- for assistance in
9 delivering the letter. So Officer Beckfield was
10 able to assist me to connect with the license
11 holder to deliver the audit request.

12 Q Do you know when the license was actually
13 delivered -- or not the license -- the letter was
14 actually delivered?

15 A Receipt of the audit request was acknowledged on
16 February 19th.

17 Q And you had mailed it -- do you know when in
18 January?

19 A The letter was postmarked January 24th.

20 Q And what happened next?

21 A So I was able to get in touch with Ms. Buchanan to
22 indicate that I would be the individual performing
23 the audit on behalf of the City. So coordinating
24 schedules, we were able to meet to begin the audit
25 process on March 11th.

1 And I just want to correct a date in the memo
2 to the committee. It states that it was
3 March 13th. That's an error. It was March 11th.
4 So Ms. Buchanan came and met with me in my office,
5 and we walked through a little bit about the
6 process, why the audit was requested and -- and
7 how we will go about completing it.

8 So I walked through -- I walked through the
9 specific data that I would need in order to
10 complete the audit. I indicated that we would be
11 going through monthly receipts for the audit
12 period, which was defined as the full year of
13 2018. I also requested a sample menu and a list
14 of promotional events that had taken place at
15 Divine Orders Catering during the audit period.

16 We wrapped up the meeting by identifying a
17 time that I could come out to the establishment
18 and perform the actual audit and review the
19 information. So --

20 Q And when you met with her and went over this --
21 this information, you ex -- did you explain how
22 you conduct the audit?

23 A I explained that I would be looking at total gross
24 receipts, and I would be looking to -- I would be
25 testing to ensure that by month, food -- food

1 receipts exceeded 50 percent of total gross
2 receipts. And so I explained -- and the data that
3 would be provided during the audit, I would need
4 to see how food and alcohol were being categorized
5 on the receipts.

6 Q And did you make an appointment to go to her
7 establishment?

8 A Yep. That's correct. So as the -- as the final
9 item of our meeting, we identified a date that I
10 could come to the location. And so we settled on
11 August 2nd as the -- as the day to perform the
12 audit. So that was going to give her three weeks
13 to compile the data.

14 Q April 2nd or August?

15 A April 2nd. We met first on March 11th, and then
16 we were scheduled to do the audit on April 2nd.

17 Q And then did you go to her establishment on
18 April 2nd?

19 A No. I -- I sent an e-mail on April 1st -- or I
20 sent an e-mail the day before on April 1st
21 indicating -- or just confirming our appointment,
22 and then again, sending the meeting minutes from
23 our time on March 11th just to confirm that -- the
24 time that we had scheduled, and she had requested
25 that we reschedule for the following week.

1 Q And did you reschedule for the following week?

2 A We did. So we rescheduled for April 9th.

3 Q And did you go to her establishment on April 9th?

4 A No. On April 8th, I again sent out an e-mail to
5 confirm our time -- our prescheduled time on
6 April 9th, and she -- I received a voicemail on
7 the morning of April 9th requesting to reschedule
8 the audit.

9 Q Did you reschedule?

10 A I did, but I informed Ms. Buchanan that we -- this
11 would be the -- the final opportunity to
12 reschedule the onsite audit.

13 Q When did you actually meet out at her
14 establishment then?

15 A We met on April 15th.

16 Q And prior to that time, had you gotten any
17 documentation from Ms. Buchanan for the audit?

18 A No, but I had not requested --

19 Q Okay.

20 A -- anything before that.

21 Q Okay. So you met on April 15th?

22 A Mm-hmm.

23 Q What happened at that meeting?

24 A So on April 15th, she provided me with all of the
25 receipts that she had for 2018. She also talked

1 me through the process of how business is
2 conducted at the counter in the establishment.
3 And then --

4 Q Can you explain what that process is.

5 A Yep. So she indicated that it's a paper-based
6 system. So the recordkeeping for the receipts
7 is -- is largely a manual process where the final
8 documentation is -- is recorded on paper. After
9 we went through the process, we then went through
10 a number of receipts for the month of January so
11 that I could ensure that I was interpreting how
12 items were being categorized on the receipt
13 properly.

14 Q Do you have a copy of the receipts that she gave
15 you?

16 A I do have them with me.

17 MS. ZILAVY: I don't want to mark
18 those exhibits and put them in evidence, but
19 I would like the committee to see what was
20 submitted. So if you could just pass them
21 around.

22 Q You -- you testified that the method that she uses
23 for receipts is a manual process recorded --

24 MR. LANDGRAF: Excuse me.

25 Mr. Donnelly?

1 MR. DONNELLY: Thank you,
2 Mr. Chair. So if these are not submitted as
3 evidence, what does it -- what does that
4 mean, assistant City Attorney Allen?

5 MR. ALLEN: Well, it -- an advocate
6 can have a witness use anything to refresh
7 their recollection whether or not they
8 actually move that into evidence. So it's --

9 MR. DONNELLY: But --

10 MR. ALLEN: So if it's moved into
11 evidence --

12 MR. DONNELLY: -- we're looking at
13 it.

14 MR. ALLEN: -- it'll be something
15 you'll be getting in considering your
16 deliberations.

17 MR. DONNELLY: So if we can't
18 consider it in our deliberations, should we
19 look at it at all?

20 MR. ALLEN: Probably not. It's
21 there for the witness to refresh their
22 recollection.

23 MR. DONNELLY: Okay.

24 MR. ALLEN: Unless there's an
25 objection on it, and we'd have to rule on the

1 objection.

2 MR. DONNELLY: Assistant City
3 Attorney Zilavy, what would you like us to
4 get from this?

5 MS. ZILAVY: Well, I'll just have
6 Ms. Larsen describe in detail what was
7 submitted as receipts.

8 MR. DONNELLY: That should be fine.

9 MS. ZILAVY: She can hold it up and
10 show you as she's describing what it was she
11 received.

12 MR. DONNELLY: Thank you.

13 Q So, Ms. Larsen, if you could in detail describe
14 what was given to you as receipts.

15 A So I received paper records for 106 days during
16 the audit period.

17 So they are handwritten notes. On each of
18 them, the top portion is the alcohol portion that
19 was sold, and the bottom portion was any sort of
20 food or promotional food event that was happening.

21 Q And can you read from one of those what the
22 entries are.

23 A Yes. So for example, this would have been New
24 Year's Eve into -- the New Year's Eve celebration
25 from December 31st into January 1st, 2018. So

1 there was an open bar promotion. So there were 35
2 individuals that were charged \$7 -- or \$20 as part
3 of the promotion for \$700 of -- of gross receipt.
4 Then there were a variety of nonalcoholic sales
5 including two, one soda, two waters, another soda,
6 a red bull, two sodas, two more waters, and a
7 cranberry juice.

8 And there was a buffet that was offered on
9 this evening and 35 -- for \$35 for -- or 35 people
10 at \$25 apiece generating \$875, and then there were
11 three sales, one of three burgers, one of a pizza,
12 and then another pizza.

13 I received -- there's another receipt dated
14 January 15th -- or January 5th, 2008 (sic). This
15 was part of a birthday celebration. This was
16 another instance where there was an open bar
17 promotion. So \$42 -- or there were 42 people at
18 \$25 a person generating \$1,050.

19 There was another buffet that was offered at
20 40 -- 49 people at \$25 a person generating \$1,225,
21 and then there were various cheese and fruit
22 trays. The -- the cost was \$15 per tray.

23 Q When you say, "There was an open bar promotion,"
24 what do you mean?

25 A Under the liquor section on these dates, it

1 indicates that there was an open bar, and then the
2 itemized sale of what made up what was sold that
3 night in terms of liquor is not broken out. So it
4 just -- so in this case it just says that there
5 was an open bar promotion. 42 people were there.
6 They were charged \$25 for an open bar.

7 Q would it be problematic for you if those were
8 marked as exhibits and submitted into evidence if
9 you got a copy back?

10 A These are Ms. Buchanan's originals. So we do have
11 scanned copies that -- that we retained within the
12 finance department as part of the audit. So I'm
13 not sure regarding them being originals, I'm --

14 MR. ALLEN: Ms. Buchanan, do you
15 have an objection to these documents being
16 received into evidence?

17 MS. BUCHANAN: will I get them back
18 or --

19 MR. ALLEN: You'll get them back.

20 MS. BUCHANAN: -- the original?

21 MR. ALLEN: I'm talking about the
22 scanned documents.

23 MS. BUCHANAN: Just the scanned
24 part? Yeah, she can -- the scanned but not
25 the originals.

1 MR. ALLEN: Ms. Zilavy, do you have
2 any objection?

3 MS. ZILAVY: I would like the
4 scanned documents submitted into evidence.

5 MR. ALLEN: Okay. Well, the
6 committee will probably have to -- may have
7 to hold open its deliberations to see those
8 documents unless -- can you forward them
9 tonight to Eric?

10 THE WITNESS: Yeah, I can forward
11 them to you now or as soon as I get done
12 testifying.

13 MR. ALLEN: That'd be great. We'll
14 try and get them into the record tonight.

15 THE WITNESS: Okay.

16 MR. ALLEN: Just to be clear,
17 nobody has any objection to those being part
18 of the record?

19 MS. BUCHANAN: No.

20 MS. ZILAVY: No.

21 MR. ALLEN: Okay. Great.

22 Q All right. So you testified that you received --

23 MR. LANDGRAF: Excuse me. We need
24 to make sure we do this correctly. Can you
25 swear in the witness, please.

1 MR. ALLEN: And can you also have
2 her affirm her prior testimony.

3 LAURA LARSEN,
4 called as a witness being first duly sworn in
5 the above case testified under oath as follows:

6 Q You testified that you received receipts for
7 106 days. So you received 106 receipts that
8 covered a one-year period, correct?

9 A That's correct.

10 Q The receipts themselves, were they done in a
11 manner that is unusual in your experience for a
12 business?

13 A Yes. Typically, we would see some sort of an
14 electronic documentation that would -- where we
15 would be able to verify the accuracy of the data
16 being provided.

17 Q So you got these 106 receipts. What did you do
18 once you had that data?

19 A Yep. So we -- again, we worked through a number
20 together so I could make sure I was properly
21 interpreting everything. I brought the hard
22 copies back to my office, had them scanned
23 electronically, and then went through each of the
24 days that was provided so that we could elect --
25 so in a spreadsheet, we could test ratio of

1 food-to-alcohol sales.

2 Q what did you conclude after examining the
3 documents and doing your calculations?

4 A So upon looking at everything in aggregate, we --
5 we did find that overall during the audit period,
6 food receipts did exceed alcohol -- alcohol
7 receipts above and beyond the required threshold,
8 although in reviewing the dates, I noticed that
9 there was a small number of dates for the audit
10 period and that in some cases there were gaps,
11 lengthy gaps between the dates that were provided.
12 We also noticed that for some of the days, there
13 were duplicate receipts that were submitted that
14 appeared to be in conflict.

15 Q When you say "duplicate receipts," do you mean a
16 duplicate that was made at the same time as the
17 original as in the form of a carbon copy of
18 something else?

19 A No. So we would have -- so one of the duplicate
20 days, for example, is January 30th. So we
21 received one notebook-type piece of paper that
22 outlined a food promotion that corresponded to a
23 taco promotion along with the number of alcohol
24 sales, and then we received another sort of half
25 sheet of paper that indicated sandwich -- more

1 sandwich-type sales, and then additional liquor
2 sales; but there was no sort of explanation about
3 the time of day or the -- the difference
4 between -- between the two.

5 Q what else did your audit reveal?

6 A So because there were a number of missing days or
7 just a short number of days, I wanted to determine
8 if there were days that the establishment were --
9 was open to see if they were running certain
10 promotion -- promotional events for days where I
11 didn't have a receipt.

12 So I -- utilizing Ms. Buchanan's social media
13 where she had indicated to me that's where she
14 promoted her events, I went through the audit
15 period and looked for every day that a special --
16 an event was promoted and then went to verify
17 whether or not I had a receipt for each day that
18 there was a promotion.

19 Q what did you find when you did that analysis?

20 A So I found that there were -- there were -- I
21 could find 15 events that were promoted during the
22 period and that there were four days -- four of
23 those 15 days I had a receipt for.

24 Q what else did you find?

25 A I found on two of the days, the receipts that I

1 received had sales that were inconsistent with the
2 promotion that was being advertised. So --

3 Q Can you explain what you mean by that.

4 A Yep. So for example, on March 6th, there was a
5 taco night that was being promoted, and the -- the
6 receipt indicates that the sales that were
7 consistent -- were more consistent with pub fare.
8 Like, there was a grilled cheese, cheesy potatoes,
9 a baked potato and then -- and then some alcohol.

10 And then on March 30th, there was -- there
11 was a chicken special with free margaritas, and
12 receipts that I had received, there was actually
13 no food sales that night. It was just an open
14 bar, were what the receipts were received for.

15 Q What other correlations did you make between the
16 data that you received and other data available to
17 you?

18 A So I had also received the calls for service
19 information from the Madison Police Department.
20 So I reviewed the calls for service information
21 against the days for which I had receipts
22 provided. So the -- in the data that I received
23 from the -- from Madison Police Department,
24 Divine Orders -- or the police were called to
25 Divine Orders Catering 59 times. That took into

1 account two duplicate records.

2 So of -- of these 59 days, I had receipts for
3 11 days, and then the remaining 48 days did not
4 have receipts. So I followed up with the Madison
5 Police Department requesting case notes for the
6 nature of all of those calls so I could utilize
7 the case notes to determine whether or not there
8 were patrons in the establishment. So based off
9 of the case notes that I received from the Madison
10 Police Department, I can confirm that on eight of
11 those days Divine Orders Catering was not open.
12 The staff in the Southern District were -- were
13 visiting the establishment for a variety of
14 meetings.

15 On the remaining 48 days, the -- the case
16 notes can verify that there were patrons; however,
17 I did not have receipts.

18 Q So in other words, for 40 of the days you
19 verified, there were patrons, but there were no
20 receipts?

21 A Based off of -- yes, by comparing -- by utilizing
22 the case notes from the Madison Police Department.

23 Q What's your impression of the no receipts on all
24 of those dates?

25 A So based off of the data that I had before me,

1 I -- I could not conclude -- I could -- I did not
2 feel that I could provide a definitive opinion as
3 to whether or not the establishment was meeting
4 the provision of their alcohol license requiring
5 that 50 percent of gross receipts be from food.
6 Q Did you ask Ms. Buchanan why there were only 106
7 receipts for a one-year time period?
8 A When we met on April 15th, she acknowledged that
9 there -- that there were potentially missing
10 records in -- in what was being provided. So upon
11 my review, I -- I had requested follow-up
12 documentation for a series of -- of sample of days
13 during the audit period. And again, in e-mail
14 correspondence -- in this e-mail correspondence, I
15 was asking the license holder if she could provide
16 me some sort of documentation that would
17 correspond to, like, a bank deposit or something
18 so I could verify the amounts, and she, again,
19 reiterated the cash nature of the business and
20 provided me a screenshot of documentation from the
21 Square application to receive electronic payment,
22 but -- but that -- that documentation, I -- I
23 couldn't tie it back to -- to a day -- that was
24 day in March. I couldn't tie it back to any
25 receipts in March based off of the information I

1 had.

2 Q Based on the receipts that you did receive and the
3 fact that there are 106 receipts for a one-year
4 time period, how does a business figure out their
5 tax obligation based on those receipts?

6 A I'm -- I'm not certain how that obligation is
7 being met based off of the documentation that was
8 -- was provided to me upon the request.

9 Q And the bottom line with the audit is that you did
10 not have complete information, so you could not
11 make a determination, correct?

12 A That is correct.

13 MS. ZILAVY: No further questions.

14 MR. LANDGRAF: Ms. Buchanan, do you
15 have any questions of the witness?

16 MS. BUCHANAN: Yes.

17 EXAMINATION

18 BY MS. BUCHANAN:

19 Q Laura, you said you didn't have complete
20 information for the audit?

21 A Based off of the receipts that were provided and
22 the -- and -- and the inconsistencies that existed
23 when I checked it against other sources of data, I
24 didn't feel like I had enough information to
25 conclude whether -- as to whether or not the

1 license was in compliance.

2 Q Did I ask -- at our meeting, did you ask me for
3 some additional information?

4 A I told you that I would be taking the documents
5 back to the -- back to my office, scanning them,
6 entering them electronically, and that I would
7 inquire if I had any followup. So I had followed
8 up with you on April 25th, and that was when I was
9 requesting any sort of electronic documentation
10 that could tie to one of the -- one of the -- that
11 could -- that could demonstrate the
12 accurate -- the validity of the receipts that had
13 been provided.

14 Q But I'm saying, when we met at the facility, did
15 you tell me some -- that I would still be able to
16 try to look for the additional information and get
17 it to you as well as you wanted me to provide you
18 some fliers and those type of things before you
19 could actually conclude the audit?

20 A I had indicated to you that if I had follow-up
21 questions, I would respond to you in writing
22 and -- and give you a corresponding deadline to
23 meet those requests. And upon going through the
24 information, that resulted in my request for the
25 receipt documentation.

1 Q At the meeting, though, did you ask me to look for
2 the rest of the receipts and that you wanted me to
3 provide you some additional information,
4 screenshots, and told me how to do and to send
5 that information to you so that you could finish
6 the audit?

7 A I had indicated that if you found additional
8 receipts, we could include them in the audit, but
9 I had not received additional receipts since --
10 since our meeting on April 7th -- or on
11 April 15th.

12 Q Did I e-mail you and ask you if you wanted me to
13 provide the additional information that you had
14 requested?

15 A In the subsequent e-mail correspondence that I had
16 received from you, you had asked if I had
17 additional follow-up questions, which I did not
18 have.

19 Q That e-mail that I sent, I have a -- where I
20 actually asked you -- in followup to our meeting,
21 I asked you, "Laura, I am still looking for the
22 receipts. Can you please tell me what else I am
23 supposed to be providing to you? How much time do
24 I have? Thank you." Did you respond to that?

25 A I had -- can you tell me the date that you sent

1 that one.

2 Q This was Thursday, April 18th.

3 A On April 18th, I -- the response to that inquiry
4 was the note that I sent on April 25th that I sent
5 regarding the receipt request.

6 Q I'm sorry. You said your -- your response to the
7 18th was what?

8 A What the -- correspondence -- correspondence that
9 I sent on April 25th requesting the -- the
10 receipts -- or not the receipts, the -- the
11 deposit that could correspond to the receipts that
12 had been provided.

13 Q Do you mind if I read the e-mail that you
14 responded back to my inq -- my indication that I
15 was prepared to submit the additional information
16 to you?

17 A Oh, I'm -- I'm sorry. I missed a -- I missed a
18 note in my -- in what I had responded on that
19 date. I have here in my notes that I responded to
20 your e-mail indicating I did not have any
21 outstanding questions and indicating that your --
22 your hard copy records were available for pickup
23 at the finance department.

24 Q Do you mind if I read your e-mail?

25 A That's fine, yes.

1 MS. ZILAVY: Objection. It's not a
2 question.

3 MS. BUCHANAN: why is that not a
4 question? I'm not understanding. She's not
5 saying exactly what's in her e-mail. She's
6 asked -- we talked about some additional
7 information. I said that I would --

8 MS. ZILAVY: Objection.

9 MS. BUCHANAN: -- continue to work
10 on getting it to you. She wanted --

11 MS. ZILAVY: Objection. She's
12 testifying.

13 MS. BUCHANAN: No, I'm saying what
14 she -- what we discussed.

15 MR. LANDGRAF: Ms. Buchanan, can
16 you get that information by asking the
17 witness?

18 MS. BUCHANAN: Yes. Okay.

19 THE WITNESS: Can I retrieve my
20 e-mail?

21 Q In the e-mail, you -- did you inform me what the
22 next -- that you did not need anything else from
23 me and that the next thing that you would be doing
24 is providing me some additional questions and that
25 you would have it by the end of the day, tomorrow,

1 that would mean the 19th?

2 A I don't have my e-mail right in front of me to --
3 to -- to verify, but I -- I do recall indicating
4 to you that I -- I would follow up regarding any
5 outstanding questions that I had that needed to be
6 resolved.

7 Q So you don't remember saying that you would get it
8 to me by the end of tomorrow, the questions?

9 A I -- I don't have my e-mails directly in front of
10 me.

11 Q So this was the 18th that you wrote to me. And so
12 the next time that you received an e-mail from me,
13 was that April 24th?

14 A Yes.

15 Q Do you remember what I said?

16 A You sent an e-mail and you asked me if you -- if I
17 had any follow-up questions regarding the audit.

18 Q Oh, that's not what I indicated. Do you remember
19 me just e-mailing on the 24th and saying to you
20 that I -- asking you, "Are you still going to be
21 sending a series of questions?"

22 A And I then -- when I -- in my response to you on
23 the 25th, my follow-up question was in regards to
24 any sort of banking documentation that could be
25 used to verify the validity of what was -- what

1 was being reported on the receipts.

2 Q That's not -- that's not what you had stated. I
3 worded it in a way in which she could answer a
4 yes-or-no question. So I don't know what else --
5 I mean, did you remember me asking you -- because
6 you had said, "I'm going to get the series on the
7 18th," you were going to get the series of
8 questions to me the next day. I didn't get them.
9 So do you remember me saying, "Are you going to be
10 sending me the series of questions?"

11 A And the question -- the follow-up question that I
12 had regarding -- was regarding the -- any sort of
13 deposit documentation. That was the follow-up
14 question.

15 Q You -- you said that some of the dates didn't line
16 up with events on the Square and such or -- is
17 that what you indicated, they didn't line up?

18 A Not on -- on the -- in regards to the
19 documentation that was provided by -- from Square.
20 I received a screenshot showing a deposit amount,
21 and we had discussed that we -- we're not able to
22 get any additional transactional level data that
23 -- to make up what is recorded on the Square
24 deposits.

25 So I received a screenshot showing the

1 deposit that I -- for one of the days that I
2 requested, and I -- when I went back to look
3 through the receipts, I could not correspond that
4 deposit to -- to the receipts from that day -- or
5 from that time frame.

6 Q Do you remember what I said about how Square
7 works?

8 A Yes. You explained to me the delay in terms of --
9 between the transactions as they are recorded on
10 your receipts and when those transactions hit the
11 bank.

12 Q So if I do an event on Friday, when would that
13 information go through with the Square?

14 A You had indicated that that would be lagged into
15 the following week.

16 Q Was there a specific day?

17 A I'm not recalling the exact day that was
18 referenced in the e-mail. I'm just recalling your
19 explanation regarding the lag.

20 Q So I indicate that had Square for, like, on a
21 Friday would not be -- would probably pertain to
22 when Square would register would be Monday, that
23 it would be pertaining to that weekend?

24 A That's correct. That's the lag, as you explained
25 it to me.

1 Q You talked about events. I looked at your -- your
2 final audit information, and I looked at
3 the -- the page where you were indicating I didn't
4 have receipts for events. Can you tell me what --
5 what days you were describing as events?

6 A This again is just crosschecking against events
7 that were promoted on social media, the -- the
8 dates -- the promotion and then whether or not
9 there was a receipt are outlined on table 2 of the
10 audit memo.

11 Q So are you taking the events that I'm -- kind of
12 indicating that I'm having events -- you're
13 calling Thirsty Thursday an event?

14 A These were promotions that were advertised on
15 social media.

16 Q Taco Tuesday is an event?

17 A That was an -- that was an event that was -- that
18 was included or that there was evidence on social
19 media the establishment was open on that day.

20 Q Are you aware that those are just, like, standing
21 items? I mean, Taco Tuesday, Thirsty Thursday,
22 not necessarily an event?

23 A I suppose that is how they can be categorized.
24 Either way, for a number of the days, promoting
25 either an event or a promotion, there were a

1 series of dates that did not have a provided
2 receipt.

3 Q Could it be that I didn't have a receipt because
4 it was a slow day or no one actually really did
5 show up, and for us I'm saying those are standing
6 items, not events?

7 A That -- that could be. Again, I'm -- I'm just --
8 I identified that as a -- an area where I could
9 not provide a definitive -- a definitive answer.

10 Q So it's not because you're calling it an event.
11 It's that you couldn't -- you just couldn't
12 provide a -- an answer?

13 A The documentation that I received did not indicate
14 that -- that the establishment generated business
15 on -- well, there was no receipt to -- to show
16 the -- you know, to record the actual revenues
17 that were received on that day.

18 Q So what I'm saying is that if that's not -- I
19 mean, you're calling it an event, though. So I'm
20 saying to you that that's a standing item. Could
21 it be that there was just no one there as to why
22 you didn't have a receipt because it was not an
23 event with numbers of people?

24 A That was what the lack of receipt implies, yes,
25 that there was no business.

1 Q Did I explain to you why I -- why we handwrite --
2 handwrite receipts?

3 A Yes. You discussed that with me when you outlined
4 your business process for how revenues are -- or
5 for how business is conducted.

6 Q Did I tell you that I work with disadvantaged
7 persons and persons with disabilities, and we were
8 not able to afford a system that would allow them
9 to actually in some cases be able to utilize it in
10 the way that they would need to because of their
11 disability or disadvantage?

12 A You did discuss that outlining -- yes, you -- you
13 did discuss that with me.

14 Q Did I tell you I've been doing that ever since
15 I've been in business?

16 A Yes.

17 Q So since I've been doing that now that I -- since
18 I've been in business, does it still appear weird
19 to you the way that we do receipts in order to
20 work with persons of disabilities and
21 disadvantaged backgrounds?

22 A I would -- I would say that there is still an
23 opportunity to create elements of the business
24 process that could test the -- that could validate
25 the data that is being recorded on the receipts.

1 Q Did I tell you that that was one of the things
2 that sometimes a voc rehab provider -- the voc
3 rehab providers would actually do if the person
4 actually wanted to really work for us, that the
5 system would be costly, but that it would cost a
6 lot to get a system that would be -- that those
7 persons from those -- with disadvantaged
8 backgrounds and disabilities would be able to --
9 to work? And that's not all of them, but I did
10 explain to you that process, right?

11 A I do recall -- I do recall your interest in
12 pursuing an electronic way of -- an electronic way
13 that would be easy for your staff to be keeping
14 these records.

15 Q Did you say that you were trying to get me to the
16 LRC (sic) for that next meeting as opposed to this
17 one?

18 A I don't recall making a statement about when we
19 would be back to the ALRC.

20 Q You didn't say what the plan was in terms of us
21 wrapping things up and getting me to that next
22 scheduled LRC?

23 A I can't say -- I -- I don't recall.

24 Q Did you say that you were -- that I had the
25 opportunity to get the other additional

1 information so that you would be able to do a
2 proper audit?

3 A It was my understanding the way we left the
4 meeting on April 15th was that if you found
5 additional documentation, that you would be
6 providing that.

7 Q Did I e-mail you and ask you if you wanted me to
8 go ahead and provide that?

9 A You did inquire and asked if I had any follow-up
10 questions to -- to which I responded with my
11 question about some sort of documentation that
12 could verify the data on the receipts that you had
13 provided.

14 Q So you didn't say you didn't need anything further
15 from me?

16 A I said at that point in time I would be following
17 up if I need anything further. When I followed
18 up, my request for "something further" was some
19 sort of banking documentation that could help
20 verify the receipts.

21 Q So would you say at that point you're -- you're
22 not giving me an opportunity to submit the
23 additional information?

24 A It was my understanding that if additional
25 receipts were found, they would have been provided

1 during that period.

2 Q But did you say that I would be able to provide
3 that information, go ahead and try to look for the
4 information? You actually showed me how to work
5 the snipping tool to gather some additional
6 information from my page to get to you, and then
7 when I asked you if you needed it, did you say
8 that you did not need anything additional from me?

9 A I was saying that I did not have additional
10 questions at that -- at that time.

11 Q So you -- so on your -- you testified that I had
12 missing days on -- on days that I was supposed to
13 be having events. Those days from the audit
14 papers look like it's, like, Taco Tuesday,
15 Thirsty Thursday. Is that what you're classifying
16 as events?

17 A Or promotions as a sign that the establishment was
18 open on that date.

19 Q If it's a standing item and not what you're
20 clarifying as an event, is it possible that I
21 don't have receipts because there was no one
22 there? That was not an actual event.

23 A It was; however, there were days where when there
24 was no business, the receipt indicated no
25 business. So for example, on February 4th, a

1 receipt was provided, and it was indicated that
2 there was no business. So that would lead me to
3 believe that if there was no business on these
4 other days, there would have been a receipt.

5 Q Did I -- but did I tell you when we first kind of
6 started that I work with persons from
7 disadvantaged backgrounds and have disabilities
8 where sometimes the things may not be right, and I
9 sit down with those folks to try to make sure that
10 they are correct, but they may not be that way,
11 and that if there were additional questions, you
12 can ask me or get additional information?

13 A You -- yes, you explained those items to me.

14 Q Okay. Are you aware that when we do events, we
15 actually e-mail the -- the captain and the
16 alderman of actually what we call events, and that
17 is only when we have a DJ?

18 A No, I was not aware of that.

19 Q Okay. would you say that I tried to make the --
20 the effort like we had discussed to get the 2018
21 documents to you, and you indicated that you did
22 not need anything else, that the next thing that
23 would come to me is a series of questions?

24 MS. ZILAVY: Objection. This has
25 been asked and answered several times now.

1 MR. LANDGRAF: I would agree.

2 MS. BUCHANAN: That's it. No
3 further questions.

4 MR. LANDGRAF: No further -- no
5 further questions? Thank you very much.
6 Well, I should -- any member of the committee
7 have any questions?

8 MS. ZILAVY: I just have a
9 question, and maybe everybody else knows, but
10 I don't.

11 EXAMINATION

12 BY MS. ZILAVY:

13 Q What is Square?

14 A Square is an electronic app for processing credit
15 card payments.

16 Q And what does it -- what does it show you?

17 A So it -- so based on our discussion, it was my
18 understanding that if there was an electronic --
19 so if somebody was paying with a credit card, that
20 transaction was ran using the Square tool and that
21 those receipts would then be transmitted
22 electronically but lagged a couple of days.

23 When we reviewed the data from Square, it
24 was -- as we went through that, it -- it's all in
25 aggregate form. So we had indicated that there

1 wasn't additional detail to say, "These are the
2 transactions that made up this deposit that would
3 allow me to -- to categorize the way I needed to
4 do it for the audit request."

5 MS. ZILAVY: Thank you. Nothing
6 further.

7 MR. LANDGRAF: Questions from the
8 committee? Mr. Donnelly.

9 MR. DONNELLY: Thank you,
10 Mr. Chair.

11 EXAMINATION

12 BY MR. DONNELLY:

13 Q I don't have a lot of experience with audits like
14 this. I'm guessing some members of the committee
15 don't either. Can you concisely describe what --
16 how this process would normally go and how this
17 case was different from the way it would normally
18 go.

19 A Yes. So in a normal process, an establishment
20 would invite us in and show us their recordkeeping
21 system, and then they would show us -- they would
22 walk us through their accounting system and their
23 ledgers, and then they would provide -- run from
24 that system a monthly report for the audit period
25 broken out into the categories; food, alcohol,

1 other beverages.

2 And then upon reviewing that, then we would
3 select specific time periods during the audit
4 period where we would request all of the
5 transaction level detail to verify that we could
6 see all of the transactions, and to test the
7 accuracy of the monthly reports, but because there
8 wasn't a system to generate the monthly reports, I
9 just took all of the receipts that were available
10 and then just used the data from all of the
11 receipts that were available, because that was the
12 only way I knew to get monthly aggregate.

13 Q were -- have you had other cases dealing with
14 paper-based systems like this?

15 A This is only the second audit of a license that
16 I've supervised -- or that I've overseen in my
17 time with the City and in that instance, there
18 were -- we were able to pull system -- pull
19 records from an accounting system.

20 MR. DONNELLY: Thank you.

21 MR. LANDGRAF: Mr. Fletcher.

22 EXAMINATION

23 BY MR. FLETCHER:

24 Q All right. I think kind of one of the issues you
25 identified was the number of days obviously during

1 the full year of 2018 that were -- you know, 106
2 versus the full year of 2018. What number would
3 you have had expected based on kind of your
4 experience or training?

5 A Again, this is -- I don't know that there would be
6 a -- a certain number that I would be looking for,
7 but this was certainly well under a threshold that
8 would indicate -- there were just large gaps in
9 days where -- where there was documentation. So
10 it just indicated to me that there were missing
11 records in what I had to -- to -- in the data that
12 I had to conduct the audit.

13 Q And to clarify something I think that
14 Attorney Zilavy asked you earlier on about, the
15 analysis done regarding the police calls for
16 service, the kind of sentence above the
17 conclusion, "Out of the case notes, MPD can verify
18 that Divine Orders was open to patrons."

19 It doesn't -- correct me if I'm wrong. Does
20 that mean that they definitely had patrons on
21 those days, or it was just they were open? I just
22 want to be precise.

23 A There were individuals there when they responded
24 to the calls for service.

25 Q So, indeed, it was that they actually had patrons?

1 A Yes.

2 Q Okay.

3 MR. FLETCHER: Thank you. Thank
4 you, Mr. Chair.

5 MR. LANDGRAF: Further questions?
6 Okay. Hearing none, you can step down.

7 MS. ZILAVY: I would ask that the
8 receipts be marked as Exhibit 1 and that the
9 report of Laura Larsen be marked as
10 Exhibit 2.

11 MR. LANDGRAF: You were going to
12 get copies for us of the receipts.

13 THE CLERK: Right. She has to get
14 them to me first.

15 MS. ZILAVY: I thought she was
16 e-mailing you.

17 THE CLERK: She can, but she was
18 just sitting here, so she couldn't.

19 MR. LANDGRAF: All right.

20 THE CLERK: I'm sorry. What was
21 Exhibit -- Exhibit B, please?

22 MS. ZILAVY: Exhibit 2?

23 THE CLERK: 2, sorry.

24 MS. ZILAVY: It was the report from
25 Laura Larsen dated May 1st, 2019. And then

1 in the event I forget later, I'll now move
2 those two into evidence.

3 (Exhibit Nos. 1 and 2 marked for
4 identification.)

5 MR. ALLEN: Ms. Buchanan, do you
6 have any objection to those two exhibits --
7 you indicated before you have no objection to
8 the receipts. Do you have any objection to
9 the report?

10 MS. BUCHANAN: To the what now?

11 MR. ALLEN: To the report of
12 Laura Larsen being entered into evidence.

13 MS. BUCHANAN: The report that she
14 provided?

15 MR. ALLEN: Yes.

16 MS. BUCHANAN: I'll have to check
17 too because she's identifying events.
18 "Events" would have numbers of people, and a
19 lot of times, these dates she's looking at,
20 we had no people. So when the -- even if the
21 police responded, the people that are there
22 does not necessarily mean they were people
23 that were trying to buy something.

24 MR. ALLEN: Okay. That's --

25 MS. BUCHANAN: Sometimes we have a

1 couple of people. So I object to that, that
2 it's called an event when it's not, when we
3 probably didn't have people, and it could
4 have been staff even if the police did come
5 by there, and they actually know because
6 they're in the neighborhood that we don't
7 have people. I've been sick for, like, two
8 years. So people are not there Monday Friday
9 -- through Thursday.

10 MR. LANDGRAF: We weren't asking
11 for an explanation. The issue is do you have
12 an objection to that report being --

13 MS. BUCHANAN: Yes.

14 MR. LANDGRAF: Okay. Thank you.

15 MS. ZILAVY: well, I would argue
16 that she testified to pretty much all the
17 detail that's in the report. It was written
18 pursuant to her official duties, and there's
19 no grounds to keep it out of evidence.

20 MR. LANDGRAF: We'll let the report
21 go in from a -- an admissibility standpoint,
22 but you are suggesting that there's some
23 credibility issues with that report, and
24 we'll -- we'll make note of that.

25 (Exhibit Nos. 1 and 2 received into

1 evidence.)

2 MS. BUCHANAN: Okay.

3 MS. ZILAVY: The City calls
4 Detective Kneubuhler.

5 ADAM KNEUBUHLER,
6 called as a witness being first duly sworn in
7 the above case testified under oath as follows:

8 EXAMINATION

9 BY MS. ZILAVY:

10 Q Please state your name and spell it for the
11 record.

12 A First name Adam. Last name Kneubuhler,
13 K-N-E-U-B-U-H-L-E-R.

14 Q You're a detective with the violent crimes unit
15 with the Madison Police Department, correct?

16 A Yes.

17 Q How long have you been in that unit?

18 A I've been in that unit since last year.

19 Q How long have you been with the Madison Police
20 Department?

21 A Approximately eight years.

22 Q Are you familiar with Divine Orders Catering on
23 Luann Lane?

24 A Yes.

25 Q How are you familiar with that business?

1 A Prior to being a detective, I was a patrol
2 officer, and I responded to numerous disturbances;
3 noise complaints, shots fired, and in particular,
4 on November 10th, there was a shooting
5 investigation that I was assigned to with other
6 detectives that occurred at that address where an
7 individual was shot inside -- or just outside of
8 the exit side of the bar in back.

9 Q And so that shooting happened on November 10th,
10 2018?

11 A Yes.

12 Q Did you review a report written by
13 officer Benjamin Enstrom related to that incident?

14 A Yes.

15 Q And can you describe for the committee what
16 happened on November 10th, 2018.

17 A Under -- on November 10th, 2018, Sir Isaac Bridges
18 was shot at the party at Luann Lane.

19 Officer Benjamin Enstrom subsequently responded at
20 10:48 p.m. to Meriter Hospital for an individual
21 showing up with a gunshot wound.

22 Officer Benjamin Enstrom spoke to a witness, who
23 was identified as Sentrell Kapinus (ph) or
24 Kapinus, who had dropped off Sir Isaac Bridges at
25 Meriter Hospital as he suffered from a gunshot

1 wound.

2 Q And what did that witness tell Officer Enstrom
3 about the shooting?

4 A The witness stated that there was a fistfight that
5 occurred inside the hallway or atrium area of
6 Luann's Lane -- or the Luann Lane Divine Catering
7 building. The witness stated that she did not
8 directly witness that fistfight. The witness
9 stated that the victim of the shooting got the
10 best of the suspect, indicating that he had beat
11 up the suspect.

12 The suspect then subsequently later on
13 retrieved a firearm from a vehicle. The witness,
14 Kapinus, stated that she saw the suspect come up
15 with a gun and shoot Isaac Bridges. She did
16 not -- it was dark out, so she could not identify
17 the suspect at that time.

18 Q Did she describe the area -- not on his person,
19 but the area at that address where this individual
20 was shot?

21 A She was very vague, but she stated that it was
22 near the back steps of the -- the rear exit of the
23 bar close to the rear lot.

24 Q You testified that you had been at that location
25 during your time as a patrol officer. Can you

1 describe the layout of the business the
2 Divine Orders Catering -- the layout, like, the
3 entrance and the exit?

4 A The times I've responded, it's been late at night,
5 dark; but from my best recollection, off of
6 Luann Lane, there's -- it appears from street view
7 to be an apartment complex, but there's double
8 doors or one single door that you walk in, and
9 there's an atrium area, and bottom floor to the
10 right side is the area occupied by
11 Divine Catering.

12 Q And you testified that there was a rear exit, you
13 said?

14 A Yeah, straight through towards the back.

15 Q Where does that rear exit lead?

16 A It leads to a rear parking lot.

17 Q What happened after Bridges was shot at that
18 location?

19 A Police responded to the scene. I don't know
20 exactly all the actions that were taken. I was
21 assigned as a detective to investigate it after
22 the fact, but eventually, I followed up with the
23 mother of Sir Isaac Bridges and also made contact
24 with Laverne Buchanan at Divine Catering to obtain
25 video surveillance.

1 Q when police arrived on the night of the shooting,
2 was the gunshot victim still there?

3 A He was not.

4 Q He was at the hospital?

5 A Yeah. A call came in at, I believe, 10:48 p.m.
6 that a gunshot victim had showed up to
7 Meriter Hospital.

8 Q You testified that you did some followup in
9 relation to the shooting. Is that in connection
10 with your position with the violent crimes unit?

11 A Yes.

12 Q November 11th, 2018, do you recall interviewing a
13 Mary Bridges?

14 A Yes. She was the mother of Sir Isaac Bridges, who
15 was shot at Luann's and subsequently turned up at
16 Meriter Hospital.

17 Q What was your discussion with Mary Bridges about?

18 A We discovered -- or we talked about a host of
19 things related to her son, but we also talked
20 about Luann's bar. Mary Bridges described herself
21 as a regular to the place, and she stated to me
22 that if she goes there, she typically goes there
23 on weekends. I asked her kind of the details of
24 how it operates as it was the scene of the crime.
25 She stated to me that it's a bar/restaurant,

1 and they serve small amounts of food. I ask what
2 type of food they serve there. She said chicken
3 nuggets, chicken wings, and pizza rolls. Then I
4 continued to ask her about what, you know, kind of
5 clientele comes into the place, and she stated
6 that primarily, people that come in are in their
7 late 20s and 30s and above. She stated that some
8 of the nights, there was a younger crowd starting
9 to come in.

10 I asked about security personnel. She stated
11 that from her perspective, there's security on
12 scene, but it's not consistent. She stated
13 sometimes that they may be wearing street clothes;
14 sometimes they may be wearing a security shirt.
15 Sometimes they may have a metal detector wand
16 people for knives, weapons, and other sort of
17 things that could be considered weapons. She
18 stated that sometimes the wand doesn't happen.

19 She said that there's typically a DJ on the
20 weekends. I asked how cash and, you know,
21 transactions are, or how do you purchase alcohol
22 and food, and she said -- she stated to me that
23 she believed it was a cash-only bar, but she
24 couldn't say for sure. And, yeah, then I -- I
25 finished my conversation with her at that time,

1 and we continued to go on about other things
2 related to her son being shot.

3 Q And then did you go to Divine Orders at
4 2122 Luann Lane on November 12th and
5 November 13th, 2018?

6 A Yes.

7 Q What was your purpose for going there?

8 A I wanted to interview Laverne Buchanan about the
9 night of the incident and her perspective. I also
10 wanted to obtain video surveillance of the
11 incident to see if there were cameras in the
12 hallway that captured it. I also wanted to see
13 who was there from the beginning to the end
14 because I believe we had information that the
15 suspect also attended the party.

16 Q Did you walk around the establishment when you
17 went there on the 12th and 13th?

18 A Yes.

19 Q And did you see anything of importance to you at
20 that time?

21 A Yes. Laverne was nice enough to give me a tour of
22 the place. She took me to the dance floor. I saw
23 the strobe lights. She took me to a back pool
24 area where there was a pool table. I saw the
25 kitchen.

1 Items of noteworthiness in the kitchen, I saw
2 what appeared to be a stove that appeared to be
3 typical of a residential home, not for commercial
4 or industrial use. On that stove was one steel
5 pot. This was a night -- a Monday night. She was
6 the only staff on hand. There were no individuals
7 there for food prep, or there was no evidence that
8 food was getting ready to be served.

9 Subsequently, on Tuesday I was there because
10 I couldn't get the video on Monday, and I asked
11 her what was for dinner on Tuesday, and she said
12 it was Taco Tuesday. During my time at Laverne's
13 place, it was prime dinner hours, approximately
14 5:00 to 8:00 p.m. During those two days, I saw
15 approximately two people -- two to three people
16 show up during these times.

17 It should be noted that during that -- my
18 time being there, there was no kitchen staff.
19 There was no prep. So if someone came in to at
20 least -- if there were tacos ready to be served,
21 they must have been hiding.

22 Q Was that the case on Monday night as well on the
23 12th?

24 A Yeah. I didn't see any evidence of food prep.

25 Q Did you have conversation with Ms. Buchanan

1 regarding the shooting?

2 A Yes. Initially when I got there on the 11th, I
3 asked her if she would be willing to answer any
4 questions regarding the shooting. She stated to
5 me that she would, and I asked her if she was
6 working the night of the shooting. She stated to
7 me that she was. I asked her if she remembers
8 anything significant happening at her
9 establishment on the night of November 10, 2018,
10 and she stated to me that she doesn't remember
11 anything happening.

12 I asked her again if there was a disturbance
13 at her bar, and she stated to me that there was
14 not. I asked her if there was a fight outside her
15 bar that night, and she stated to me that there
16 was not. I informed her that we had evidence that
17 someone was shot either inside her hallway or
18 outside the rear exit. Buchanan reiterated to me
19 that it all seemed like a normal night.

20 Q So she was there on that night, correct?

21 A Yes. She stated to me that she closed up the bar
22 and that she left. She stated that when she
23 walked outside the bar, she observed two police
24 cars across the street sitting in a parking lot,
25 which she stated would be normal for the area. It

1 is unknown if that was Fitchburg cops or Madison
2 Police.

3 She stated to me that she received a call
4 from the alder of the area the following morning
5 after the shooting, and the alder was inquiring
6 what had happened or if she knew anything about
7 it, and that's when Buchanan informed me that she
8 -- there must have been -- she surmised that there
9 must have been a shooting somewhere in the area.
10 At this point --

11 Q And do you know why she surmised that there was a
12 shooting in the area?

13 A I think based on our conversation and her telling
14 me that an alder had called her, I think the
15 implication was -- is that the alder asked if the
16 shooting may be -- did she have any knowledge of
17 it? Did it occur at her place? Did it occur in
18 the area? I didn't delve into any of the verbiage
19 that happened between the alder and Buchanan.

20 Q Did she tell you what time she left the business
21 the night of the shooting?

22 A Yeah. She stated to me that she closed down at
23 normal time which she, I believe at the time,
24 stated to me was 11:00 p.m. I still believe that
25 she knew more about the incident and for whatever

1 reason wasn't coming forward. So I stated to her
2 that just outside her hallway there was a blood
3 stain on the back of her exit area, which would be
4 the blood of Isaac Bridges, who was shot inside
5 her place.

6 Q So let's go back to that for a second. So when
7 did you see the bloodstain?

8 A Both nights that I was there.

9 Q And can you describe more specifically where it
10 was and how large it was.

11 A It was in the rear -- the majority of the blood,
12 from my recollection, was in the rear exit area.
13 There was a series of steps that lead out to the
14 back parking lot.

15 Q And compared to -- so is this a vestibule area in
16 relation to Divine Orders Catering, or can you
17 describe --

18 A well, when you walk into the building from my
19 recollection, there is -- it's a large hallway
20 there where there is doors on the left, doors on
21 the right, and there's, I believe, double doors or
22 single doors on the right which lead into the
23 whole entire right side of the complex which she
24 has from front to back. If you go straight to the
25 back outside of the -- just past the exit of --

1 entrance and exit of Divine Catering, there is a
2 rear exit or -- I think it could best be described
3 as -- I don't know how many units are in that
4 building, but the rear exit door opens out to
5 steps, and there was the light shining onto blood
6 and then that leads out to the back parking lot.

7 Q And was it on cement or concrete?

8 A I believe it was concrete.

9 Q Can you describe the size of the blood area?

10 A I don't recall the exact size. I mean, there's
11 investigative photographs that detail that. We
12 had investigators come out previously to
13 photograph that, but I know when you look at it,
14 you could -- it was a size that you couldn't miss.
15 There was no mistaking, "what is this?"

16 Q You testified that you felt Ms. Buchanan knew more
17 about the shooting than she was letting on. Why
18 do you say that?

19 A Well, I reviewed video surveillance, and just from
20 my training and experience, when someone is shot
21 15 to 20 feet from where you're standing,
22 typically people are going to hear that unless you
23 are severely hearing impaired, even when the
24 music's loud. Video surveillance showed at the
25 time when he was shot, there was a change in

1 mannerisms and behavior to everyone in the bar.
2 People started running out of the bar. The fine
3 gentleman in the white suit, Jackie Bodine (ph) or
4 Jackie Morris, came running up to the bar and
5 appeared to have a very animated conversation with
6 Buchanan on video surveillance. At that point,
7 lights were out, shut down, and everyone got out.
8 But at the same time, it was also closing time at
9 11:00 p.m.

10 In addition to that, video surveillance also
11 showed earlier in the night Tamara Shannon (ph),
12 who I identified on video surveillance via past
13 professional contacts come up to Laverne Buchanan
14 at the bar and mouth what appeared to be, "They're
15 fighting outside."

16 Obviously, I can't interpret silent mouth
17 movement, but later on Detective Eric Vosburg
18 interviewed her, and she corroborated what -- on
19 video surveillance that she notified
20 Laverne Buchanan that people are fighting in the
21 hallway. And that is in a recorded interview
22 under the case file for the shooting.

23 MS. ZILAVY: Nothing further.

24 MR. LANDGRAF: Ms. Buchanan, do you
25 have questions of the detective?

1 MS. BUCHANAN: Yes.

2 EXAMINATION

3 BY MS. BUCHANAN:

4 Q You indicated that you responded to several -- in
5 another position that you were in that you
6 responded to several calls of shots fired at the
7 bar?

8 A In the area of the 2100 block of Luann Lane.
9 Typically, citizens like the people that gave
10 their testimony earlier, or should I say just
11 comments, commentary, would call 911 for noise
12 complaints, fights out in the street, calling in
13 stating that, "There's a party at this building,"
14 believing it's associated. I respond. Multiple
15 officers respond. A lot of times, I was working
16 overtime on special initiatives, and we would get
17 there, and basically everyone would just disperse,
18 and that was kind of that.

19 Q So it could be that the shots fired were not on
20 the restaurant premises?

21 A Absolutely.

22 Q Were there ever other calls where they actually
23 said that these shots fired were on the premises?

24 A Well, there were 911 callers that call in all the
25 time where they say, "This is the exact location

1 of the shooting," but until we can find
2 corroborating evidence of that, that is only an
3 assumption at that point.

4 Q Did you come out to Luann when they indicated that
5 it happened on the premises?

6 A Well, we usually respond to the area and go where
7 the crowds are at and just try to disperse them at
8 that point if we have no one injured or if we have
9 just a noise complaint or calls of shots fired.
10 If we don't find any evidence of shots fired,
11 there's obviously a whole other city that needs
12 service, so we -- we -- we clear it from the
13 incident.

14 Q Did you find evidence on Luann property of shots
15 fired on those calls for the area?

16 A A couple times, I think, in the past, but maybe
17 once I can recall maybe two and a half, three
18 years ago, but I can't say for certain. I would
19 have to look back into my call log. At least
20 either within, you know -- in the street outside
21 after a disturbance someone either cranking rounds
22 off as they drive away. Now, is it a direct
23 result of your bar, I can't determine that, but
24 obviously it's the actors.

25 Q You said, "Obviously, it's the actors." What do

1 you mean by that?

2 A Well, you said earlier if someone is driving down
3 the street coming from your party or something and
4 they shoot off a round, I mean, that's them.

5 Q So was there any evidence that the shots fired
6 were on the property or the business?

7 A Years ago when I responded to noise complaints and
8 shootings, I can recall maybe one, but the other
9 ones, it's -- I mean, shots -- when -- like, for
10 instance, the shots fired call that came out when
11 the shots happened in your bar or just outside the
12 exit, there were people calling in from over miles
13 away that they heard the -- the shooting. So
14 they're thinking it happened on Greenway. There's
15 other people that are thinking it happened on
16 Park Street. I mean, to be able to pinpoint
17 exactly where the shots fired occurred is very
18 difficult. The one I can say I'm here for tonight
19 and testifying to tonight is the one where the guy
20 was struck in your exit.

21 Q So that the one where you actually found evidence
22 of gunshots?

23 A Yeah, the blood on the back of your exit.
24 Sir Isaac Bridges was shot at your bar.

25 Q Okay. But was there any evidence of shots fired

1 on any other day except that day?

2 A Well, I'm sure we can do a detailed record into
3 all of the hundreds of thousands of calls that
4 come out in the district and the City, and I'm
5 sure we can find -- excuse me -- find one in the
6 last three years.

7 Q Okay. So I'm saying, were we there at that time,
8 or are you saying that you could find one?

9 A What I'm saying is that we responded to your bar
10 for pretty much every call under the sun. Now,
11 does that mean that it occurred at your bar that
12 is -- that it means that people are calling in an
13 incident, and we just have to respond. It doesn't
14 mean they're correct. It doesn't mean they're a
15 hundred percent certain. They say, "Shots fired
16 at Luann." If we don't find shell casings there,
17 we can only assume there or think that, but
18 there's no evidence that it exactly occurred at
19 your bar.

20 Q Did you find shell casings on any other day except
21 for the day in question that we're talking about?

22 A I have only found shell casings -- or I didn't
23 find shell casings the day we're talking about. I
24 found blood stains and a whole host of people
25 saying there was a shooting at your bar. So

1 previous incident, no, I can't recall.

2 Q So you're aware that the licensed premises is
3 actually in one location inside of Luann?

4 A I can't speak to any licensing issues in
5 the City -- or with your bar.

6 Q So you reviewed the surveillance tape with me,
7 correct?

8 A Yes.

9 Q You met with me at the licensed premises, correct?

10 A Twice.

11 Q Was the facility that we were inside of looking at
12 the surveillance, did I tell you that that was the
13 restaurant and bar that we were in?

14 A I think so, yeah. You said, "This is my place,"
15 and you showed me around. You show me the dance
16 floor. You showed me the booths. You showed me
17 the pool table. You said this was Luann's.

18 Q So no one was shot inside the licensed premises;
19 is that correct?

20 A Yes, it is.

21 Q Did I voluntarily let you look at the
22 surveillance?

23 A Yes, you were actually more than welcoming.

24 Q Were there cars in the parking lot when you --
25 when you came out to the site on the date that the

1 person was shot?

2 A I didn't respond to your scene.

3 Q okay.

4 A Or the -- I didn't respond to the bar the night
5 they were shot.

6 Q You've been to Luann before, correct?

7 A Yes.

8 Q Did you go in the back?

9 A Yes. You showed me the back.

10 Q Were you ever there when it was dark outside?

11 A Yes.

12 Q Is there any lighting in the back?

13 A There was when I was there.

14 Q Do cars park in the back of Luann?

15 A Well, I -- from the testimony of everyone, I think
16 they do. I've generally never seen cars. I've
17 seen cars fleeing out of there, but I've never
18 seen cars parked there. When I was there, there
19 was two cars parked in front; my car, your car,
20 and then at one point, a middle-aged gentleman
21 came out and went upstairs into the top apartment
22 complex.

23 Q You said that when you were there with me looking
24 at the surveillance that there was no prep done?

25 A I didn't say that.

- 1 Q No food prep?
- 2 A In the surveillance video?
- 3 Q when we were, looking at the surveillance.
- 4 A I didn't see any food prep in the surveillance
5 video. when I looked in the kitchen, all I saw
6 was a steel pot and an oven that looked like it
7 belonged in an efficiency apartment.
- 8 Q what time did I meet you at the facility on
9 Monday?
- 10 A It was sometime after 5:00 p.m. I know both days
11 it was within 5:00 to 8:00 p.m., I believe. I
12 know we had spoken to each other on the phone, and
13 that you worked to a certain time and you could
14 meet me after you finished your day job.
- 15 Q would it be fair to say that was about 5:00?
- 16 A I believe that's what I -- I think I said.
- 17 Q Are you aware that I work for the State?
- 18 A You've told me numerous times.
- 19 Q Do you remember the time I said I get off work?
- 20 A I believe it was 4:00 or 5:00.
- 21 Q would it be fair to say that the reason that there
22 was no food prep was because I was looking at the
23 surveillance with you and you were interviewing
24 me?
- 25 A I guess it depends on what your definition of

1 "fair" is, but it's possible.

2 Q You said you came out to interview me and to look
3 at surveillance, correct?

4 A Yes.

5 Q You met me after I got off work at about 5:00,
6 correct?

7 A Yes.

8 Q I was looking at the surveillance with you,
9 correct?

10 A Yes.

11 Q You were talking to me?

12 A Part of the time, yes.

13 Q would it be fair to say that that's why I didn't
14 prepare any food?

15 A well, I can't determine what's fair and what's not
16 fair.

17 Q Okay. Are you aware that Mondays are slow at
18 Luann?

19 A I'm not aware of the frequency of customers at
20 Luann Lane and what days are busy and what days
21 are slow.

22 Q Are you aware that we're not open on Mondays?

23 A No, I'm not aware of hours of operation and the
24 days on or days off at Luann's.

25 Q If we're not working on Mondays, will food be

1 prepared?

2 A I don't know.

3 Q You said you had a conversation with Mary Bridges
4 that described herself as a regular person at
5 Luann or a regular -- a regular?

6 A That's what she said, yes.

7 Q If I told you that Mary comes in every month,
8 would you say she's a regular person?

9 A I don't define what's regular or not. I can only
10 speak to what she told me.

11 Q At other bars that you go to, can you tell me if
12 you describe a regular person as someone that
13 comes in every month or so, if that?

14 A I can't answer that question. I don't go to bars
15 and determine a subjective view of what
16 constitutes a regular patron of a bar.

17 Q So the only thing that made you feel like she's a
18 regular person is that she told you that she was?

19 A Yes.

20 Q Okay. Are you aware that the -- facility is a
21 legal deli restaurant on file? So we don't really
22 have to cook anything?

23 A No, I'm not.

24 Q Okay. We are. So at a deli, you really don't
25 have to smell anything cooking?

1 MS. ZILAVY: Objection.

2 MR. LANDGRAF: Sustained.

3 Q Are you aware that we don't need security on an
4 everyday basis?

5 A I'm not aware.

6 Q Are you aware that we only need security on the
7 days that we have events?

8 A No.

9 Q would it be possible -- would it be fair to say
10 that Mary Bridges, who indicated that sometimes
11 she sees security in plain clothes, that that may
12 not necessarily be security since we don't have to
13 have it all the time?

14 A Absolutely, that is true. I would point out that
15 when I was conducting an investigation of the
16 shooting, I was in the bar/catering/club building
17 with you. You pointed out your security the night
18 of the shooting. You stated that, "It's this
19 guy." I recognized that guy via past professional
20 contacts as Tyrone McLaren, a/k/a TY. He was
21 wearing street clothes and did not have any
22 security regalia that would indicate that he was
23 security. Those were your words.

24 Q But are you aware that that was not an event that
25 night that that happened?

- 1 A I don't know if it was an event, but it was one
2 heck of a party.
- 3 Q Did I tell you that I was the bartender the night
4 that that event happened, so I usually -- so I'm
5 not able to move around like I normally do?
- 6 A I think that's what you said, and I think video
7 surveillance corroborated that.
- 8 Q Did I tell you when Jackie came in, the bar was
9 already closed?
- 10 A I think you may have stated that, yes.
- 11 Q Did I tell you I didn't know what Jackie was
12 actually saying?
- 13 A That's what you stated to me.
- 14 Q Did I tell you the reason that I kind of became
15 aware that something was going on was because I
16 received a voicemail in the -- that I had got in
17 the morning from an officer that he had left that
18 night?
- 19 A You may have stated that, but I can't recall the
20 exact lingo you used.
- 21 Q Does the surveillance show that Jackie never came
22 back into the bar after he left out?
- 23 A I don't recall. After he ran in and seemed
24 frantic about something, I think he moved around.
25 I can't recall if he came back in, but what I do

1 recall is the place shutting down pretty much
2 instantaneously. The lights went out. People got
3 out of there pretty quick. Like, ran out of
4 there.

5 Q You said that there was people that ran out of
6 the -- out of the -- out of the facility?

7 A There were multiple people --

8 Q Like, ran out?

9 A Yeah, there were multiple people that ran from
10 inside your bar out into the atrium hallway. You
11 could also see people running fast from the rear
12 exit of the place where the blood stain was found
13 to the front of the complex which would lead to
14 the front lot.

15 There were -- it looked like maybe helpers of
16 yours or workers including yourself and TY that
17 appeared to be -- there were a couple of other
18 people cleaning some things up, and then the place
19 shut down probably within a couple minutes of the
20 gunfire with no police calls from the bar.

21 Q Did I say that it looks normal when you -- when we
22 were looking at the tape in terms of people's
23 departure from Luann?

24 A Well, initially you denied anything ever happening
25 at the bar despite gunfire happening feet from

1 where you were bartending. Once I confronted you
2 about the bloodstain and told you about
3 Jackie Morris, a/k/a Jackie Bodine, running up to
4 you and saying something frantically, you
5 responded something to the effect of, "There might
6 have been a disturbance."

7 Q But when I -- when we looked at the surveillance,
8 I did say I didn't know what Jackie was trying to
9 say?

10 A Yes, that's what you stated.

11 Q Did I say that what made me start to think
12 something was going on is when I got a voicemail
13 from a police officer --

14 A As stated earlier --

15 Q -- that morning?

16 A -- in my testimony, I believe you told me
17 something to the effect of an officer may have
18 called or -- and/or a City alder of an unknown
19 name called you and stated that there was a
20 shooting either in the area or something. And I
21 don't know the exact conversation you had with the
22 City alder, but it was up until I confronted you
23 with the bloodstain, with the insurmountable
24 amount of evidence that a shooting had occurred
25 that you started to, "Oh, there's my memory."

1 Q I never told you that I understood what Jackie was
2 saying?

3 A That's right.

4 Q I said I didn't know what he was saying, correct?

5 A Correct.

6 Q When you showed me what you indicated was blood,
7 did I say that it was blood?

8 A I don't believe you said, "Oh, that's blood." You
9 denied knowing it was even there.

10 Q Was it the color of blood, though?

11 A Well, it's -- the color of blood takes on many
12 shades.

13 Q So would it be fair to say that I did not say that
14 that was -- that I'm still saying I don't know if
15 that's blood or not?

16 A It could be fair, but I can't -- I can't testify
17 to the fairness.

18 Q You said the blood was on concrete that you showed
19 me, correct?

20 A Yes, on the back steps just out the exit of the
21 atrium.

22 Q But I never said that that was blood, correct?

23 A To be honest with you, I don't remember you
24 saying, "Oh, yes, that is positively blood," if
25 that would be a correct -- or should I say fair

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1 account.

2 Q would it be fair to say that I did not think -- I
3 did not think that that was blood?

4 A To be honest with you, I don't know what you're
5 subjectively thinking. I can't describe thought
6 to you.

7 MR. LANDGRAF: Ms. Buchanan, I
8 don't want to have you not --

9 MS. BUCHANAN: I think that's it.

10 MR. LANDGRAF: -- not have an
11 opportunity to ask questions, but I presume
12 you have some witnesses, and Assistant City
13 Attorney Zilavy has some and --

14 MS. BUCHANAN: So I can bring my
15 witness too?

16 MR. LANDGRAF: If we could move
17 along as fast as --

18 MS. BUCHANAN: Okay.

19 MR. LANDGRAF: -- reasonable, that
20 would be very --

21 MS. BUCHANAN: I think that's it.

22 MR. LANDGRAF: So you have no
23 further questions for the detective?

24 MS. BUCHANAN: No.

25 MR. LANDGRAF: Okay.

1 MS. ZILAVY: I just have two
2 follow-ups.

3 MR. LANDGRAF: Okay.

4 EXAMINATION

5 BY MS. ZILAVY:

6 Q Do all guns leave shell casings?

7 A No.

8 Q What kinds of guns don't leave shell casings?

9 A Revolvers.

10 Q And --

11 A The casing's left in the barrel of the revolving
12 barrel.

13 Q Based on your training and experience, is it
14 common for people on the street to carry
15 revolvers?

16 A It's -- guns are unfortunately as common as cell
17 phones. So you can have semiautomatic weapons
18 with loading magazines which eject shell casings
19 just as easy as revolvers, which do not leave
20 shell casings.

21 Q So there can be a shooting at a location, and you
22 can go to investigate and you don't find shell
23 casings because of the type of gun that was fired?

24 A Absolutely. And in addition to that, when there
25 are shootings, we have -- numerous times over my

1 career, we have witness statements where
2 associates of the bad guys or the suspect
3 themselves will pick up the casings at the scene
4 of the shooting to basically say that -- to leave
5 law enforcement or anyone to conclude that there
6 was likely a shooting that occurred. There's also
7 shell bags that are commonly attached to street
8 guns where an individual will shoot a
9 semiautomatic firearm, and the casing will catch
10 into the shell bag, which would not leave a
11 casing, and it would be on the gun as long as --
12 or the casing would be with the gun as long as you
13 retain the firearm.

14 Q And then you testified that the individual
15 Ms. Buchanan identified as working security on the
16 night of the shooting, Tyrone McLaren --

17 A McLaren.

18 Q McLaren?

19 A Also known as TY.

20 Q And you said you knew him from past professional
21 contacts. What contacts?

22 A Hundreds of past professional contacts. He
23 resided on the southwest side of Madison. For a
24 good portion of my career, I was a neighborhood
25 police officer for the Balsam-Russett and

1 Raymond Road corridor. Part of any job
2 responsibilities in that position was community
3 outreach, which involved numerous contacts with
4 people in a matter completely unrelated to any
5 sort of criminal investigation, which meant
6 face-to-face contacts with people that reside in
7 the neighborhood.

8 Tyrone McLaren lived with a female in the
9 Park Edge -- Park Drive -- Edge Drive
10 neighborhood, which constituted an area that I
11 patrolled at the time. He also lived on the
12 Raymond Road corridor at 5725 Raymond Road, the
13 bottom left apartment. In addition to that, I've
14 arrested him multiple times on numerous drug
15 charges from manufacturing, delivering, possession
16 with intent, possession, domestic battery --

17 MS. BUCHANAN: I object to that.

18 What does that have to do with this?

19 MR. LANDGRAF: He's -- he's just
20 responding to the Assistant City Attorney.

21 MS. BUCHANAN: I object to her
22 question on that. You said what now? I'm
23 sorry.

24 MR. ALLEN: Well, actually you're
25 objecting to the answer, ma'am. The question

1 was asked, and you didn't object. You're
2 objecting to the answer. She asked a
3 question. He was well into the answer before
4 you objected. So you're really objecting to
5 the material of the response to the question,
6 and it is responsive to the question.

7 MS. BUCHANAN: Okay.

8 MR. ALLEN: You can continue,
9 Detective.

10 A That's how I know Tyrone McLaren.

11 MS. ZILAVY: Thank you. No further
12 questions.

13 MR. ALLEN: I just have a follow-up
14 question.

15 EXAMINATION

16 BY MR. ALLEN:

17 Q Detective, do you know if he was ever convicted of
18 either -- of any of those drug offenses or of a
19 violent offense or of an offense involving
20 weapons?

21 A It would -- upon -- I arrest on probable cause.
22 At the time when I arrest someone as a street
23 officer, oftentimes you're not following the
24 entirety of the case to see if there is an actual
25 conviction in Dane County criminal court. It

1 would shock me if he doesn't have multiple felony
2 convictions for violent crime and drug offenses,
3 but at the same time, many people are diverted in
4 the criminal justice system for more softer
5 penalties, restorative justice, and things of that
6 nature for a host of reasons.

7 Q Did you do any testing of the stain, or did the
8 MPD do any testing of the stain on the back stoop?

9 A I did not test the stain, but I know often it is
10 common practice for the forensic investigator on
11 scene will typically take a cotton swab, usually
12 with a Q-tip or other forensic materials to swab,
13 and then send that to the Wisconsin State Crime
14 Lab are compare it to usually a consent buccal
15 swab of the individual's cheek, in this case, the
16 victim's, Sir Isaac bridges.

17 Based on sort of this situation, it's often a
18 fact or a case -- case-by-case decision. I think
19 there's no doubt that it was his blood considering
20 he was shot in the arm right where he said was he
21 was shot and the blood was on the stoop. So
22 oftentimes testing won't be done, but I can't say
23 for sure it was done on that stoop at that --
24 where that spatter -- the blood spatter was.

25 Q In your professional career, how many times have

1 you seen bloodstains that were a couple of days
2 old?

3 A I couldn't give you an exact number, but I would
4 estimate over hundreds -- 500, 600 -- hundreds.

5 Q And based on your experience, was this stain
6 consistent with blood stains you've observed in
7 your career?

8 A I think without a doubt it was a bloodstain; but,
9 again, I can only speak to what I can prove on,
10 but I would -- I think it was
11 Investigator Hollenbeck who processed that scene,
12 and she would have a -- a definitive answer for
13 you.

14 Q Now, do you recall being asked that -- by the
15 licensee that no one was shot inside her licensed
16 premise?

17 A Can you repeat the question.

18 Q Do you recall being asked by the licensee as to --
19 that no one had been shot in her licensed premise?

20 A I believe so, yes.

21 Q And you --

22 A Yes, she -- yes. That was earlier.

23 Q And she responded that she was correct, that you
24 didn't have any evidence --

25 A well, I -- I had assumed she was correct because I

1 think what she was pointing out to you was that it
2 happened out the back exit, which -- I mean, whose
3 is that? That's just the exit. That could be the
4 neighbor's exit. Could be the everyone's exit.
5 Is the atrium of the bar hers? Is half of it
6 hers? I can't speak to that of what it is. So I
7 just assume that it's her place. She probably has
8 a little more knowledge of what's hers and what's
9 not.

10 Q You're not familiar with the legal boundaries of
11 her licensed premises?

12 A I couldn't speak with any certainty on any of
13 those.

14 MR. ALLEN: That's all I have.

15 MR. LANDGRAF: Mr. Donnelly.

16 MR. DONNELLY: Thank you,
17 Mr. Chair.

18 EXAMINATION

19 BY MR. DONNELLY:

20 Q The witness, Kopinus, said that the suspect
21 retrieved a firearm. Did she say from where he
22 retrieved it?

23 A Kopinus told Officer Ben Enstrom he -- the
24 suspect, who she could not identify or wouldn't
25 identify, retrieved out of a vehicle that was

1 parked in the lot of the Luann Lane. I don't
2 believe I could specify, but I could also look at
3 the report, but she, I think, made a generic
4 statement of the lot at Luann Lane.

5 Q And is there any indication that the gun was ever
6 inside the licensed establishment?

7 A No. I -- I would have no way to determine that.
8 No.

9 MR. DONNELLY: Thank you.

10 MR. LANDGRAF: Any further
11 questions?

12 A And if I may, to answer his question definitively,
13 Kopinus stated that the suspect went into an
14 unknown vehicle in an unknown part of the lot. So
15 I couldn't tell you where that is.

16 MR. DONNELLY: Thank you.

17 MR. LANDGRAF: No further
18 questions, so you can step down.

19 THE WITNESS: Am I released from my
20 subpoena?

21 MR. LANDGRAF: Alder Carter.

22 MS. CARTER: Yes. At this time,
23 can I move that we recess and -- the hearing
24 and come back next week considering the time?

25 MR. LANDGRAF: That's in the form

1 of a motion?

2 MS. CARTER: Yes.

3 MR. LANDGRAF: Okay. Do we have a
4 second.

5 MS. CARTER: It's not an elegant
6 motion, but, yes.

7 MR. LANDGRAF: Well, we don't have
8 a second.

9 How many additional witnesses do you
10 have?

11 MS. ZILAVY: I have two -- two
12 witnesses and a video.

13 MR. LANDGRAF: Two witnesses and a
14 video?

15 And, Ms. Buchanan, how many witnesses
16 are you planning on calling?

17 MS. BUCHANAN: Three.

18 MR. LANDGRAF: Three? Okay.
19 Let's -- let's keep going. I would encourage
20 everyone to move as expeditiously as
21 possible, but obviously don't move so quickly
22 so that you're not getting the benefit of
23 what you're trying to -- trying to present to
24 the committee.

25 MS. ZILAVY: The City calls

1 Sergeant Mike Alvarez.

2 MICHAEL ALVAREZ,

3 called as a witness being first duly sworn in
4 the above case testified under oath as follows:

5 EXAMINATION

6 BY MS. ZILAVY:

7 Q Please state your name and spell it for the
8 record.

9 A Michael Alvarez, A-L-V-A-R-E-Z.

10 Q You are currently a sergeant of the South
11 Community Policing Team, correct?

12 A That's correct.

13 Q How long have you been in that position?

14 A Since early February.

15 Q Prior to that position, what was your position
16 with the police department?

17 A I was a sergeant at the Midtown Community Policing
18 Team.

19 Q For how long?

20 A Approximately five months.

21 Q How long have you been with the Madison Police
22 Department?

23 A Approximately nine years.

24 Q Are you familiar with Divine Orders Catering at
25 2122 Luann Lane?

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- 1 A Yes.
- 2 Q How are you familiar with that business?
- 3 A Upon coming to the South District, I was made
4 aware of the lengthy issues that have been going
5 on with that location.
- 6 Q Have you responded to calls there?
- 7 A I have.
- 8 Q Any idea how many times you've responded to calls
9 there?
- 10 A I've responded to two noise complaints at that
11 location and then responded proactively.
- 12 Q And I'm sorry --
- 13 A Proactively --
- 14 Q Oh.
- 15 A -- so I've gone three times with the team to
16 observe it.
- 17 Q Did you review a report from September 29th, 2018,
18 written by Madison police officer Lauren Meverden?
- 19 A I did -- or I am.
- 20 Q She was dispatched to 2122 Luann Lane for a
21 disturbance, correct?
- 22 A That's correct.
- 23 Q What happened when she got there?
- 24 A The disturbance indicated from the 911 center
25 there was loud music coming from the vehicles. It

1 was an ongoing issue; also, that staff was trying
2 to get people to leave and, quote, "shouting at
3 the top of their lungs," end quote, and that
4 people were arguing amongst themselves.

5 She arrived and was able to hear loud yelling
6 coming from the parking lot from a male voice and
7 also observed vehicles leaving the area. She went
8 in and made contact with Ms. Buchanan and asked
9 her if anyone had called police or needed police
10 assistance due to the -- the call. The
11 conversation was that no employees had called
12 police, and she asked Ms. Buchanan if she could
13 physically ask her employees if they had done so.

14 They went into the kitchen area where she
15 contacted the head of security who was ID'd a
16 Rodney Frasier. She did notice and noted in her
17 report that Mr. Frasier was not readily
18 identifiable as security. He was wearing a
19 sweater and jeans at the time. He did advise --
20 sorry. She advised Rodney and Laverne that she
21 heard yelling in the lot upon arrival, and
22 Ms. Buchanan advised her that she didn't hear
23 yelling, that she was mistaken; no one was yelling
24 on her property and that, quote, "No one fights in
25 our parking lot," end quote.

1 when she told her that she personally heard
2 yelling upon arrival, she was advised that, quote,
3 "her people talk loudly," end quote, and that she
4 probably only heard people talk loudly. Then she
5 became agitated at which time they went back to
6 the front entrance and Rodney then admit to the
7 officer that he was indeed yelling at people that
8 they needed to leave and that there was no
9 disturbance, that the only person yelling was him.
10 Q And Officer Meverden, excuse me, officer Meverden
11 heard yelling and such when she arrived on scene,
12 correct?
13 A That's correct.
14 Q Did anything else happen in terms of that
15 incident?
16 A No. At that point, the disturbance had ceased.
17 All partygoers had exited the premise.
18 Q Did you review Madison Police Officer
19 Justin Cumley's report from October 9th, 2018?
20 A I did.
21 Q What was the basis for that police report?
22 A So on that date, Officer Cumley was in the rear
23 parking lot of the Mattress Firm, which is located
24 at 2101 West Beltline Highway. I think earlier we
25 heard testimony that that lot backs up closely to

1 the Luann Lane area.

2 He did have his window down, and he heard
3 what he believed to be three gunshots coming from
4 southwest of his location. He then made his way
5 to the Luann Lane areas. He believed that they
6 had come from that area. He responded there and
7 observed a food trailer parked in the front lot
8 and approximately 20 vehicles in the parking lot.

9 Q He observed a food trailer?

10 A Correct. Like a -- so JD's food trailer. You may
11 be familiar with it downtown. It's around town.
12 They typically serve brisket, barbecue-type food.

13 Q And that was in the parking lot of 2122?

14 A Parked in the roadway of 2122.

15 Q And was it operating?

16 A He noted that it appeared that the trailer was
17 open for business and that it had its lights
18 activated.

19 Q What else did he observe when he arrived on scene?

20 A He observed he estimated approximately 30 to 40
21 people exiting the business and several of the
22 people getting in the parking lot -- sorry --
23 getting into vehicles which were in the parking
24 lot. He then began to receive information that
25 anonymous callers were calling stating that they

1 had heard similar -- a similar report of three
2 gunshots in the area. He also stated that he made
3 contact with a Curtis Bell, who said that he was
4 attending -- I'm sorry -- he was attending an
5 event at that location and that the event was an
6 open mic session. He said that prior to police
7 arriving, he was inside the business using the
8 restroom and that while in there, he heard several
9 gunshots. He said he was familiar with the sound
10 of gunshots -- this is Bell to Officer Cumley --
11 and he's heard regular gunshots being fired in the
12 past, and he said that he believed that
13 gunshots -- this is Bell again -- did not occur
14 near 2122 Luann but pointed down the road to the
15 south.

16 So then officer Cumley directed other
17 officers to check the area to the south.

18 Q And did they check the area of 2122 Luann Lane for
19 evidence of gunshots?

20 A They did.

21 Q Did they find anything?

22 A Nothing in terms of casings or something along
23 those lines or damage.

24 Q Did he interview anybody else on the scene?

25 A He met with Ms. Buchanan.

1 Q And what was the nature of that conversation?

2 A The context of it was asking about the gunfire,
3 and Ms. Buchanan informed him that she was unaware
4 of anyone shooting off a gun near the business,
5 and further confirmed that there was an open mic
6 session at the business that night but there had
7 been no -- been no issues between people at that
8 location.

9 Q How did Officer Cumley conclude his call?

10 A Officers that had arrived did a search through the
11 lot for evidence of any shell casings or damage,
12 was unable to locate anything along those lines.
13 So they ensured that the social gathering was done
14 and subsequently left that scene.

15 Q What time of the night did that dispatch come in
16 -- or did he hear the shots fired?

17 A 10:54 p.m.

18 Q Did you review Police Officer Charles Pratt's
19 police report from October 19th, 2018?

20 A I did. I'm -- I'm sorry. Can you repeat the date
21 again.

22 Q It was October 19th, 2018.

23 A I do have that one. Yes, I did review it.

24 Q Pardon me?

25 A I did review it.

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1 Q He was dispatched for a gunshot call, correct?

2 A That's correct. The caller called in saying she
3 heard a gunshot, heard cars speeding off, and
4 people fighting.

5 Q Do you know who the caller was?

6 A I do.

7 Q Or where they -- where they were located, where
8 the caller was located, more specifically?

9 A 2202 Luann Lane. They stated that they did not
10 want contact. So that's why I'm not saying the
11 name.

12 Q Do you know did Officer Pratt go to the scene?

13 A He did.

14 Q And what did he observe upon arrival?

15 A He didn't observe any individuals or occupied
16 vehicles in the lot, but he did see multiple
17 bottles of liquor in the parking lot as well as
18 other bottles of liquor and beer cans in the
19 bushes surrounding the parking lot.

20 Q But when he got there, there was nobody in the
21 parking lot?

22 A Correct.

23 Q Do you know what time of the night that occurred?

24 A The -- the call was dispatched to him at
25 11:08 p.m., and his arrival was 11:14 p.m.

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1 Q Where did you say he observed the liquor bottles?

2 A In the parking lot as well as in the bushes
3 surrounding the parking lot, and that's at the
4 2122 Luann Lane.

5 Q And he did not have contact with the caller in
6 that?

7 A Yes, he did make contact with the caller who
8 described his building as directly west of that
9 location with an apartment on the second floor and
10 an unobstructed view of the parking lot. He
11 further stated that prior to the incident, he saw
12 approximately 30 to 40 people and 18 to 20
13 vehicles in the lot and that a fight broke out
14 among the subjects that were in the lot and that
15 he heard a single gunshot, and all the people in
16 the parking lot then got in their vehicles and
17 left the scene.

18 Q Did Officer Pratt observe any of those vehicles
19 leaving when he responded to the location?

20 A From my review, it appears that the lot was empty
21 by the time that he got there.

22 Q Did you review the report by Police Officer
23 Alina Zulch from February 23rd, 2019?

24 A I did.

25 Q What was the nature of that report?

1 A That was another disturbance report.

2 Q Do you know what time of the evening that
3 occurred?

4 A They were dispatched at 11:12 p.m.

5 Q What was the basis for this call?

6 A The caller said that the road was completely
7 blocked with people and he couldn't get to his
8 house, and he estimated approximately 100 people
9 outside of the location at 2122 Luann Lane. Very
10 unhappy and wanted contact regarding that
11 incident.

12 Q Did Officer Zulch go to that location?

13 A Yes, she did.

14 Q What did she find on her arrival?

15 A So prior to her arrival given the history of
16 disturbances at that address and given our officer
17 safety concerns with a crowd of a hundred people
18 and a disturbance going on, she stopped at
19 Greenway Crossing/Luann Lane to wait for backup,
20 which is pretty typical for us to do, and she
21 burped her siren several times.

22 When she got out there, there was a car
23 pulling out of the lot but no other people
24 present. She made contact with Officer Powers and
25 Sergeant Engler, who were on that scene, and they

1 went up and talked to the caller, and he stated
2 that he had exaggerated a little bit over the
3 phone, that the number of people was closer to 50
4 and that the entire street, however, was filled
5 with vehicles, most drinking beer, smoking, going
6 in and out of the cars. He stated that just prior
7 to police arrival, a long stream of cars had
8 exited and began to head towards, I believe, it
9 was the Coho area.

10 Q And did Officer Zulch observe anything when she
11 arrived at 2122 Luann Lane?

12 A They did see remnants of partying. They walked
13 through the parking lot and observed run-over beer
14 cans, empty bottles of tequila -- an empty bottle
15 of tequila -- and a cigarette pack and then two
16 vehicles in the parking lot that appeared to have
17 been parked there for a while with snow built up
18 around them.

19 Q And this was the parking lot at 2122 Luann Lane?

20 A That's correct.

21 Q Somebody provided you with video of the parking
22 lot at 2122 Luann Lane, correct?

23 A That's correct. I believe it was contained in a
24 police report by -- I believe, it was
25 Officer Stephanie Nelson.

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1 Q I'm sorry. It was -- who obtained the video?

2 A Officer Stephanie Nelson. During a noise
3 complaint, she was provided that by a citizen, and
4 she provided us a link to a YouTube video, which
5 is what we --

6 Q And she had taken that video?

7 A A citizen had.

8 Q And they took the video at the time that they were
9 calling to complain about noise?

10 A Correct.

11 (Video played.)

12 Q So that's just a little flavor of -- and do you --
13 are you aware of what time of night that was
14 reported?

15 A That would have been around 11:00 closing time.

16 MS. BUCHANAN: The time was, like,
17 10:12.

18 Q And you recognize the area as being that -- where
19 Divine Orders Catering is located?

20 A (No audible response.)

21 Q Officer -- Detective Kneubuhler testified about
22 the security guard TY McLaren?

23 A McLaren, yes.

24 Q Do you know him?

25 A I'm familiar with him. Not personally, but I am

1 aware of who he is, yes.

2 Q And are you aware of his status?

3 A I know he's currently wanted.

4 Q Do you know what for?

5 A I don't recall specifically.

6 Q But he has a warrant out for his arrest?

7 A He has a warrant out for his arrest currently,
8 yes.

9 MS. ZILAVY: Nothing further.

10 MR. LANDGRAF: Ms. Buchanan, do you
11 have any questions for the officer?

12 MS. BUCHANAN: Yes.

13 EXAMINATION

14 BY MS. BUCHANAN:

15 Q You indicated that an officer was at the mattress
16 store in the back of the facility?

17 A That's correct.

18 Q And that she heard shots fired?

19 A That's correct, three -- three gunshots.

20 Q Was it confirmed that this happened at -- on the
21 premises of the restaurant/bar?

22 A No.

23 Q Could the shots fired have happened somewhere else
24 besides the restaurant?

25 A Mm-hmm. Yes, ma'am.

1 Q You mentioned that the food truck was on the
2 street of the restaurant?

3 A That's correct.

4 Q Are you aware that food trucks can park anywhere
5 as long as they're not on the premises?

6 A I'm not certain of the licensing and regulations
7 of food trucks, but I don't have a reason to doubt
8 that.

9 Q Are you familiar with JD food truck?

10 A Familiar just from seeing him around town, yes --
11 or seeing the food truck around town.

12 Q Do you see it at several different locations --

13 A Yes.

14 Q -- where it's parked?

15 A Yes, ma'am. As I said, I regularly see it
16 downtown.

17 Q Okay. So it could be possible that food trucks
18 are able to park anywhere as long as they're not
19 inside of a premises' location?

20 A I'm not able to speak to the regulations on -- on
21 that food truck or that location.

22 Q But you do see him all around Madison?

23 A Yes, ma'am, particularly downtown during bar time.

24 Q Okay. Did you say that someone came into the
25 facility on the night that the shots were fired?

1 A On -- on the night of the three reports, I don't
2 believe that anyone came into the facility from
3 what I gathered.

4 Q No one came into the facility that night to talk
5 about shots fired?

6 A Let me verify that. From what I gather, it
7 appears they just searched the lot and did not
8 come into the facility.

9 I believe someone spoke with you. I'm try to
10 find that. On that evening, Officer Cumley states
11 that he asked someone to retrieve you. I don't
12 know if that was inside or outside in the parking
13 lot, but it -- it appears you had a conversation
14 with him.

15 Q I had a conversation with the officer inside of
16 the facility?

17 A I don't know if it was inside or if it was out in
18 the parking lot, but he did have a conversation
19 with you according to his report.

20 Q You said that it was about 11:54, right?

21 A I believe that's correct.

22 Q would it be fair to say that she would have had to
23 have the conversation with me inside the facility
24 since we were closed?

25 A I can't say for sure where you -- where you were

1 located. My -- my sense of what you're getting at
2 is that someone had to go get you because you were
3 inside.

4 Q They would have had to come inside at that time
5 because we were closed?

6 A Mm-hmm. I -- I don't have reason to doubt that.

7 Q You said that someone observed beer cans
8 surrounding the outside of the parking lot?

9 A In the bushes, yes.

10 Q In the bushes?

11 A Yep, beer can and bottles.

12 Q Is it -- is it possible that drivers that go past
13 could toss stuff out of a window and it would be
14 in the bushes?

15 A It would take a high volume and quite an arm to
16 get into all of the bush areas. So I find that
17 challenging to -- challenging as an explanation.

18 Q Is it -- but is it possible that people that drive
19 by can toss bottles and trash into the bushes
20 since it was from the outside?

21 A It's possible. From my own observation looking
22 around in that area, just the amount and comparing
23 it to the regular volume in that area, again, I
24 find that an implausible explanation, but it is
25 possible.

1 Q You said that someone called and said that it was
2 a hundred people outside?

3 A Correct, and then later stated that they were
4 exaggerating. It was closer to 50.

5 Q Is it possible that he exaggerated about
6 everything, even the call? He exaggerated 50
7 additional people. Is it possible that he
8 exaggerated the call?

9 A Exaggerated the call? As far as the noise and all
10 of that? I typically don't find that to be the
11 case. I find when people are exaggerating,
12 particularly on a noise complaint, that there is
13 some basis to it.

14 Q So this was okay that he exaggerated that there
15 was a hundred people as opposed to 50?

16 A I don't recommend people do that, especially when
17 talking to the police, but it is something that
18 does happen.

19 Q Are you aware that the bathroom is in the front of
20 Luann?

21 A No, ma'am.

22 Q Front part of the building? You said that someone
23 in the bathroom said they heard gunshots, but they
24 didn't believe it was coming from Luann? You
25 mentioned that?

1 A That's correct. That's what an individual who was
2 attending there told an officer.

3 Q So depending on where the gunshots were fired, is
4 it possible that people in certain parts of the
5 building would not be able to hear them?

6 A That's possible.

7 Q What time did you say the video was taken?

8 A From my understanding it was closing time.
9 Sometime between 10:00, 11:00.

10 Q We were just looking at the video. Is it possible
11 that the video was taken about 10:12 p.m.?

12 A It's possible.

13 Q You mentioned that someone had a -- TY has a
14 warrant?

15 A That's correct.

16 Q Do you know what type of warrant this is?

17 A I don't. I just know that he's wanted for arrest.

18 Q Are you aware it's one of those where the -- where
19 you just meet with your PO officer and that
20 officers came out and talked about that? Are you
21 aware of that?

22 A It's possible that it's a Department of
23 Corrections warrant. We typically get those for
24 people who are on probation or parole and the --
25 they want to talk to them about something.

1 Q So you're aware that it's not the type of warrant
2 where somebody is just wanted for doing some type
3 of crime, serious crime?

4 A Typically, a probation or parole warrant is a
5 request for a hold. They want them for arrest due
6 to their either a possible violation or
7 involvement in something that they need to talk
8 about that would be in violation of that.

9 MS. BUCHANAN: Am I able to hold
10 for questioning in case there's something
11 else that I need to ask questions about from
12 now -- from any cross-examination or no? So
13 do I have to be done with it, or I can make
14 questions --

15 MR. LANDGRAF: So you want him to
16 stay because you may have --

17 MS. BUCHANAN: Additional questions
18 later on.

19 MR. LANDGRAF: Okay. Do you have
20 any further questions?

21 MS. ZILAVY: No.

22 MR. LANDGRAF: Any questions of the
23 officer by the committee? Okay. Well, thank
24 you very much. You can step down and -- but
25 hang out because there --

1 MS. ZILAVY: Well, actually, I'm
2 releasing him from the subpoena.

3 MR. LANDGRAF: I'm sorry?

4 MS. ZILAVY: I'm releasing him from
5 the subpoena.

6 MR. LANDGRAF: He's not under a
7 subpoena?

8 MS. ZILAVY: I'm releasing him. He
9 was. I subpoenaed him, but I'm releasing him
10 from his subpoena because I don't need him
11 anymore for testimony.

12 MR. LANDGRAF: Well, then if you
13 have --

14 MS. BUCHANAN: My question would
15 be: Does anyone else have questions for him?
16 Because I would have -- I might have some
17 follow-up questions to that.

18 MR. ALLEN: I'm not understanding
19 where you're going with that at all.

20 MS. BUCHANAN: I'm saying if she
21 has some additional questions --

22 MR. ALLEN: No. She's saying she
23 release --

24 MS. BUCHANAN: She's done?

25 MR. ALLEN: She's subpoenaed him.

1 You didn't. So he's technically here under
2 that subpoena. If she releases him from that
3 subpoena, he can go unless you have him
4 subpoenaed.

5 MS. BUCHANAN: Okay. So nobody
6 else --

7 MR. ALLEN: If you have questions
8 to ask, you should ask them now.

9 MS. BUCHANAN: I don't have any if
10 no one else has any. I'm done.

11 MR. LANDGRAF: Okay. Thank you.

12 MS. ZILAVY: The City calls
13 Captain Cory Nelson.

14 COREY NELSON,
15 called as a witness being first duly sworn in
16 the above case testified under oath as follows:

17 EXAMINATION

18 BY MS. ZILAVY:

19 Q Please state your name and spell it for the
20 record.

21 A Cory Nelson, C-O-R-Y N-E-L-S-O-N.

22 Q You are the captain of the South Police District,
23 correct?

24 A Yes, ma'am.

25 Q How long have you been in that position?

1 A Of the South District?

2 Q Yes.

3 A Since January.

4 Q Prior to that, you were a captain of the West
5 Police District?

6 A Correct.

7 Q For how long?

8 A Two years.

9 Q And you've been with the City of Madison Police
10 Department for how many years?

11 A 30.

12 Q Are you familiar with Divine Orders Catering?

13 A I am.

14 Q How so?

15 A As I came in to be the new West -- or I'm sorry --
16 South District Commander, I met with the outgoing
17 commander, Captain Paige Valenta, and we discussed
18 areas in the South Side that were generating more
19 than the average number of police calls for
20 service and taking up a large quantity of police
21 resource, and Divine was one of those places that
22 was identified.

23 Q And are you aware of how many calls for police
24 service there have been there, particularly in the
25 last year?

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1 A In the last year, there's been approximately 75
2 calls for service.

3 Q what are the nature of those calls?

4 A They range from an attempted homicide to
5 disturbances to shots fired. The majority of them
6 are noise complaints.

7 Q Did you review a report that Captain Paige Valenta
8 wrote about the conversation she had on
9 November 5th, 2018, with a Carol winrich?

10 A I did.

11 Q And who is Carol winrich?

12 A She is the property manager for 2122 Luann Lane.

13 Q Do you know the basis for the contact with her?

14 A She, I believe, reached out to Captain Valenta in
15 reference to the attempted homicide that had
16 occurred a couple days before.

17 Q what did Ms. winrich and Captain Valenta discuss?

18 A They initially started out with who actually owned
19 the building. She advised that the owner of the
20 building was Faith Ministries. She advised the
21 person of Faith Ministries was Eric Maiden. She
22 advised that Luann was paying approximately \$3,000
23 a month in rent and that she was paying in cash.
24 She started paying in cash the past summer.

25 winrich further advised that Ms. Buchanan

1 owed some back rent -- I don't know how much --
2 and that she is currently paying between \$100 and
3 \$200 a week in cash, and she again indicated that
4 that didn't equal \$3,000, the \$100 and \$200 a
5 week, but winrich just advised she was behind in
6 her payments.

7 winrich further advised that the Divine
8 Orders is supposed to be a -- quote, "It's
9 supposed to be a restaurant and bar," end quote,
10 and she wanted to elaborate that Buchanan and the
11 bar at the establishment now sells a lot of
12 liquor. She told Captain Valenta that, quote, "It
13 doesn't look like a restaurant inside," end quote.

14 Q Did winrich walk through Divine Orders Catering
15 and the property at 2122 on November 11th, the day
16 of the shooting in which Bridges was shot?

17 A She did.

18 Q And what did she observe? what did she tell
19 Captain Valenta she observed?

20 A She said that she saw blood inside the vestibule
21 at Divine Orders. She further saw that she -- she
22 saw overturned chairs and that the -- she --
23 Captain Valenta asked if the blood and overturned
24 chairs was actually inside the premises at
25 Divine Orders. winrich stated it was. She had

1 advised that the area in which the blood and
2 overturned chairs were in an area where someone
3 would have to have a key to access the premises.

4 Q winrich also told Captain Valenta that
5 Divine Orders Catering was the only tenant at
6 2122 Luann Lane, correct?

7 A That's correct.

8 Q Did she elaborate at all on that?

9 A Apparently, there was a dance studio on one of the
10 upper floors. winrich stated that she
11 occasionally used it to teach tango lessons, but
12 it's not leased on any type of regular basis.

13 Q And Divine Orders is the only tenant, correct?

14 A Yes. It's the only tenant.

15 Q As the captain of the South District, is there
16 anything else that you wanted to add to your
17 testimony regarding Divine Orders catering?

18 A Not at this time.

19 MS. ZILAVY: Nothing further.

20 MR. LANDGRAF: Ms. Buchanan, do you
21 have questions for Captain Nelson?

22 MS. BUCHANAN: Yes.

23 EXAMINATION

24 BY MS. BUCHANAN:

25 Q You said that Carol -- that winrich --

1 Carol winrich said that there was blood inside the
2 premises of Divine Orders Catering?

3 A That's what she told Captain Valenta, yes.

4 Q Did she tell you how she was able to see that
5 there was blood inside of the actual premises if
6 the door is locked?

7 A I presume she had a key since she was the building
8 manager. That's what the -- it doesn't say
9 specifically. It just said that she walked
10 through the building and saw blood inside the
11 vestibule at Divine Orders Catering.

12 Q Okay. So are you aware that the -- the vest --
13 the vestibule that she's talking about is not
14 inside of Divine Orders Catering premises?

15 A I'm not aware of where the vestibule is exactly.

16 Q Okay. Are you aware that the vestibule is in the
17 back -- like, the back door area, like, going out
18 the back door of the facility, which is not
19 Divine Orders Catering premises?

20 A I have not been to the premises, so I do not know.

21 Q You indicated that she said that she would need
22 keys to get in there, correct?

23 A Correct. She stated that a person would have to
24 have a key to access Divine Order Catering in
25 order to get to the area where there was blood and

1 overturned chairs.

2 Q So -- so it's fair to say that she would need keys
3 to get in there where she's saying that the
4 overturned chairs are, that that would be inside
5 of the premises?

6 A She stated that the area would need a key to
7 access, yes.

8 Q So she didn't go inside of there?

9 A I don't know. She said that she saw the blood and
10 the overturned chairs. So I presumed that she was
11 in there.

12 Q She couldn't have been in there if she needed
13 keys. Would that be fair to say?

14 A I can't testify to her actions that day. I was
15 not there.

16 Q Are you aware that the fight -- no fight happened
17 inside of the premises of Divine Orders Catering?

18 A I'm personally not aware of that.

19 Q Are you aware that the surveillance showed that no
20 fight happened on the premises -- inside the
21 premises of Divine Orders Catering?

22 A I'm aware of Detective Kneubuhler's testimony
23 about the video.

24 Q Were you able to see the surveillance that was
25 inside Divine Orders Catering?

1 A At what time?

2 Q Were you ever able to see the surveillance of
3 Divine Orders Catering on -- regarding the night
4 of the fight?

5 A The night of the shooting.

6 Q Mm-hmm.

7 A I was not. I was not even assigned to the
8 district. I was not assigned to that case, so I
9 would have not reviewed the video.

10 Q Okay. So you won't know that the camera -- that
11 the surveillance actually reflects that there was
12 no fight inside of the facility --

13 A I don't know that.

14 Q -- of Divine Orders Catering?

15 Okay. So with Winrich needing keys, is it
16 fair to say that she did not actually come into
17 the premises that I'm indicating that there was no
18 fight inside of that facility?

19 A I don't know what Winrich did. She stated that
20 she was in the area where the blood and overturned
21 chairs were and that the person would have to have
22 a key to access that area.

23 Q It's fair to say she's probably talking about the
24 blood that's in the back, which is the actual
25 vestibule of the facility?

1 A She mentions the vestibule, yes.

2 Q Okay. Are you aware that I have -- I text Carol
3 every time I make a payment to her, which is every
4 time we have anything -- any money made in there,
5 I give money every single time. Are you aware of
6 that?

7 A No, I'm not.

8 Q Are you aware that I paid the \$2,000 electric bill
9 there at Luann Lane?

10 A No, I'm not.

11 Q Are you aware that I paid that over a month
12 period?

13 A No. I have no idea what your payment plan is.

14 Q Okay. Would it be fair to say that the payment
15 plan is not \$200 a week?

16 A Again, I don't have any idea what your payment
17 plan is.

18 Q I'm saying if I paid a \$2,000 electric bill just
19 recently, would it be fair to say that the
20 payments to her is not \$200 a week?

21 MS. ZILAVY: Objection. calls for
22 speculation.

23 A That's -- well --

24 THE WITNESS: Did you want me to
25 answer the question, Mr. Chair, or not?

1 MR. LANDGRAF: I'm sorry?

2 THE WITNESS: Did you want me to
3 answer the object -- the question? She
4 objected.

5 MR. LANDGRAF: I -- I -- I'm sorry.
6 I --

7 MR. ALLEN: What was the objection?

8 MS. ZILAVY: Speculation.

9 MR. LANDGRAF: I'm sorry. I didn't
10 hear you object.

11 MS. ZILAVY: Oh.

12 MR. LANDGRAF: There was another
13 conversation happening right here. So you
14 objected to what?

15 MS. ZILAVY: She was asking
16 something about if she paid the electric
17 bill, wouldn't that mean something about her
18 other payment, and I objected that it called
19 for speculation.

20 MR. LANDGRAF: Sustained.

21 Q Did I reach out to you, Captain, to meet with me
22 in regards to what I can do to make things better
23 in the neighborhood?

24 A Yes, in early -- I believe April 10th, you had
25 sent an e-mail. We had had some e-mail

1 communication back and forth about events. I let
2 you know that we're having again problems with the
3 lot, and I asked you to work on problems in the
4 parking lot. I told you I'd be willing to meet
5 anytime you would like, and I never heard back.

6 Q Did you tell me that the -- the other officer was
7 going to actually set the meeting up?

8 A Yes, Officer Beckfield.

9 Q Are you aware that he never set that up?

10 A Well, I asked you to tell me the times and dates
11 that you were available, and I think I copied
12 Officer Beckfield perhaps.

13 Q Okay. Did you say you received calls about
14 Divine Orders Catering or no? Did you say you
15 received some calls about us or --

16 A Dispatch -- I mean, dispatch receives calls from
17 citizens, yes.

18 Q And you said those calls were just noise
19 complaints?

20 A No. I believe the question was what kind of calls
21 for service were at your --

22 Q Right.

23 A Yes, yes.

24 MS. BUCHANAN: That's it.

25 MS. ZILAVY: Nothing further.

1 MR. LANDGRAF: No further
2 questions? Any questions by the committee?
3 Okay. Well, thank you. You can step
4 down.

5 MS. ZILAVY: I have no further
6 witnesses.

7 MR. LANDGRAF: Okay. Do you --

8 MS. BUCHANAN: What are we doing?

9 MR. LANDGRAF: Well, she has -- she
10 has no further witnesses. So do you have
11 witnesses?

12 MS. BUCHANAN: Yes. I call
13 Sebrina Smith.

14 SEBRINA SMITH,
15 called as a witness being first duly sworn in
16 the above case testified under oath as follows:

17 EXAMINATION

18 BY MS. BUCHANAN:

19 Q Sebrina, you're -- you're my agent at
20 Divine Orders Catering, correct?

21 A I am.

22 MR. ALLEN: Can we have you state
23 and spell your last name on the record,
24 please.

25 THE WITNESS: Oh. Sebrina Smith,

1 and it's spelled S-E-B-R-I-N-A S-M-I-T-H.

2 Q How long have you been my agent?

3 A Since DOC's been open. So about three years.

4 Q Have we always had handwritten receipts?

5 A We have.

6 Q Who is the person that is currently -- that is
7 most often at the register taking receipt
8 information from the food sales as well as the bar
9 sales?

10 A Either the bartender or you.

11 Q Is that strange that we write out handwritten
12 receipt? Is that strange for the DOC to write out
13 written receipts?

14 A No. It's a lot faster. Plus, the cash register
15 broke. So, you know.

16 Q Do you consider Divine Orders to be one of the
17 safer places in Madison, Wisconsin, for restaurant
18 and bar?

19 A Personally, I do. I know all the people that
20 usually come in and out of there. So we grew up
21 here in Madison. So, yeah.

22 Q We have a lot of -- since you've been there in
23 that three years, do we have a lot of violence and
24 that type of thing in the facility?

25 A We have incidents every once in a while. I

1 wouldn't say we have a lot. I would say out of a
2 month we might have two incidents.

3 Q Is the incident violent?

4 A No. Incidents are drunk people that don't want to
5 leave.

6 Q Do we ban people that display violence?

7 A Yes, we do.

8 Q Do we sell a lot of food at Divine Orders
9 Catering?

10 A We do.

11 Q Do I constantly clarify what was actually -- what
12 I'm actually writing down several times?

13 A Yes, you do.

14 Q Do we try to make sure that everybody is off
15 premises very quickly for our time frame?

16 A Yes.

17 Q would you call Taco Tuesday, Thirsty Thursday and
18 all those events; or are they our standing things?

19 A They're the standing things that we do every week
20 to try to get people to come in.

21 Q Is there times that no people come in?

22 A There's plenty of times that no people come in.

23 Q Do we try to clean up the parking lot before we
24 leave?

25 A Yeah. You make us do a walkthrough.

1 Q Do I enforce people not taking liquor into --
2 outside in the hallway, much less the premises?

3 A Yeah. Plus, we put up signs so people can't take
4 liquor. Plus, we don't sell bottles. So I don't
5 know how the bottles outside. So --

6 Q And if I see somebody leave the -- leave out the
7 glass doors, just walk outside with their liquor
8 into the hallway, what have you seen me do?

9 A Get security on them.

10 MS. BUCHANAN: No further
11 questions. That's it.

12 MR. LANDGRAF: No further
13 questions? Ms. Zilavy?

14 MS. ZILAVY: No questions.

15 MR. LANDGRAF: You can step down.
16 Do you have another witness?

17 MS. BUCHANAN: Ni Ni.

18 MS. HOWARD: Anita Howard.

19 MR. LANDGRAF: You need to go
20 through the process.

21 MS. HOWARD: Oh.

22 ANITA HOWARD,
23 called as a witness being first duly sworn in
24 the above case testified under oath as follows:

25 EXAMINATION

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1 BY MS. BUCHANAN:

2 Q Ni Ni, how long have you worked with Divine Orders
3 Catering?

4 A Three years.

5 Q Do we clean up the outside of the company before
6 we leave?

7 A I've been there where we went and walked around
8 the whole facility to clean.

9 Q Have we always handwritten receipts?

10 A So far that I know of, yes.

11 Q Does it seem strange to you?

12 A No.

13 Q Do we monitor the parking lot?

14 A Yes. I sometimes walk with security. If it's
15 going over past 10:45 and I see that they don't
16 want to move, then I will go out with security to
17 try to push them out.

18 Q What do we do if we hear people blasting music in
19 the parking lot?

20 A We get security and make security to go out and
21 tell them to move their car.

22 Q Do we walk around and make sure that people get
23 out of their cars and go into the facility?

24 A Yes. Security does.

25 Q Do we prepare food?

1 A Yes. I have prepared food for you when you was at
2 work. So, yes, we prepare food.

3 Q Do you feel safe at Luann Lane?

4 A Yes.

5 Q Do we monitor for violence inside and outside the
6 facility?

7 A Yes. If we see it, we go get security, or we'll
8 just ask them to leave or whatever have you, but
9 we try to die it down soon as possible so that it
10 doesn't escalate.

11 Q If somebody gets into some type of altercation at
12 Luann, are they welcome back there any time soon?

13 A No.

14 Q Can you hear -- I mean, can you see the -- the
15 lights, the strobing lights from the front of the
16 building?

17 A Impossible. You have to go past the bathrooms and
18 walk down the hallway to get inside the facility,
19 and the lights are on the dance floor, which is on
20 the other side of the door.

21 Q Can you hear the music outside of the building?

22 A No.

23 Q Are you aware of a whole lot of noise when we
24 actually exiting the premises, or do we move
25 pretty quickly?

1 A That's normal people. When we were just standing
2 in the hallway, we were more loud -- louder than
3 you all were. When they're leaving the facility,
4 sometimes they tend to get a little loud, but we
5 try to push the issue of them moving. So, I mean,
6 I don't know. I don't know. You know?

7 MS. BUCHANAN: That's it.

8 MR. LANDGRAF: Do you have any
9 questions?

10 MS. ZILAVY: No questions.

11 MR. LANDGRAF: Thank you.

12 MS. BUCHANAN: Mattie.

13 MATTIE REESE,

14 called as a witness being first duly sworn in
15 the above case testified under oath as follows:

16 EXAMINATION

17 BY MS. BUCHANAN:

18 Q Mattie, when did you just start working for -- for
19 Divine Orders Catering?

20 A Well, I've kind of been volunteering for
21 Divine Orders Catering for over five years now,
22 but I have been an official employee for about
23 three weeks now through DVR.

24 Q Do we clean up the DO -- the Divine Orders
25 Catering parking lots before we leave the

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1 premises?

2 A We clean out the parking lot. We clean up the
3 inside of the place as well.

4 Q Do we handwrite receipts?

5 A Correct.

6 Q Do I constantly confirm or clarify what is
7 actually being sold?

8 A Correct.

9 Q Do you feel safe at Divine Orders Catering?

10 A Definitely.

11 Q Do we have anything violent that happens inside of
12 Divine Orders Catering?

13 A Fortunately, I have never been there where there's
14 been a violent situation. So that would be a no.

15 Q When we see -- when people do stuff in there that
16 offends someone or argumentative, are they often
17 banneded (sic) from Divine Orders Catering?

18 A I've known of a few people that have been banneded
19 (sic) due to not following some procedures that
20 you would like, yes.

21 Q Do we prepare food?

22 A Yes, we do. I'm the new cook by the way.

23 Q Are we on top of the loud music and anything going
24 on in the parking lot?

25 A We definitely are. Even when I wasn't an

1 employee, I would just help push some people out,
2 you know, turn the music down, because sometimes
3 when they start the cars up, they do come in
4 already with the music up. So when they go out,
5 the music is already up. So we definitely are on
6 them to keep the music low because we do have
7 respect for the residents in the area. That's our
8 community.

9 MS. BUCHANAN: That's it. That's
10 it.

11 MR. LANDGRAF: No further
12 questions? Oh, I'm sorry. Mr. Donnelly.

13 MR. DONNELLY: Thank you,
14 Mr. Chair.

15 EXAMINATION

16 BY MR. DONNELLY:

17 Q So you said you prepare food. Can you describe
18 the area where you prepare food?

19 A Sometimes we prepare food inside of the facility,
20 and then sometimes she has to go over to the feed
21 kitchen sometimes and prepare food.

22 Q Okay. Can you describe the onsite food
23 preparation facility?

24 A What's that?

25 Q Can you describe the kitchen that's there at

1 Divine Orders?

2 A Sure. Okay. So it's small. When you go in --
3 when you walk in, there's an open area here which
4 connects to the bar. If you walk a few more feet,
5 there's going to be the stove to the left.
6 There's going to be the refrigerator to the right.
7 There's going to be the stainless steel counters
8 with the friers that we fry chicken on to your
9 left. If you continue to go straight, there's
10 going to be a three-component sink, and above to
11 your left is going to be where we have our
12 seasonings and things like that.

13 Q So one of the police officers described it as
14 looking like a residential kitchen. Do you
15 believe that's an accurate description?

16 A Well, I think he says that because that -- the
17 kind of stove that is in the place.

18 Q Okay.

19 A Because everything else is -- is for food, you
20 know? But I believe that he thinks that because
21 of the stove that's in there. He doesn't see that
22 big silver metal stove. So that's why it looks
23 residential to him.

24 Q But you also have the frier and --

25 A We have the frier. We have the stainless steel

1 counters. We have the stainless steel
2 refrigerator. We have the stainless steel sinks.
3 So everything else is stainless steel. He's just
4 going off of the stove.

5 MR. DONNELLY: Got you. Thank you.

6 THE WITNESS: You're welcome.

7 MR. LANDGRAF: Any further
8 questions? Okay. Well, thank you.

9 THE WITNESS: Thank you.

10 MR. LANDGRAF: Do you have any
11 other witnesses?

12 MS. BUCHANAN: No. I mean, I'd
13 like to say something in the end but --
14 whenever we are able to.

15 MR. LANDGRAF: Well, the Assistant
16 City Attorney will talk, and then you will
17 have an opportunity to respond.

18 MS. ZILAVY: Was she going to
19 testify or was she going to --

20 MS. BUCHANAN: No. After you talk,
21 then I'll just have something to say, just my
22 wrap-up of the -- unless you want me to do it
23 now.

24 MS. ZILAVY: Well, because if it's
25 testimony, then I can cross-examine you.

1 MS. BUCHANAN: I mean --

2 MR. ALLEN: Just a reminder that
3 the argument, Ms. Buchanan, at this point, if
4 you're not going to testify, the committee
5 can only consider the persuasive value of
6 your summary of what has been testified to.
7 It's not evidence at this point unless you go
8 under oath.

9 MS. BUCHANAN: So you -- I'm sorry.
10 You're saying what now?

11 MR. ALLEN: Okay. You have two
12 roles here. One, you're an advocate for your
13 business, and potentially you could be a
14 witness providing evidence.

15 MS. BUCHANAN: Mm-hmm.

16 MR. ALLEN: In order to pursue that
17 role, you would have to be sworn and testify
18 under oath, which would also mean the City
19 could cross-examine you. If you choose not
20 to do that, basically all you can do is argue
21 for your business, for your license, but it's
22 not going to be considered as evidence just
23 as Attorney Zilavy's remarks will be just
24 that, remarks. They're not evidence.

25 MS. BUCHANAN: So I'd rather it be

1 considered as evidence. So I'd rather be
2 sworn in to --

3 MR. ALLEN: Pardon me?

4 MS. BUCHANAN: I said I'd rather it
5 be considered --

6 MR. ALLEN: As evidence?

7 MS. BUCHANAN: Yes.

8 MR. ALLEN: Then you have to be
9 sworn in.

10 MS. BUCHANAN: Do I need to sit
11 here or --

12 MR. ALLEN: You can sit there.

13 LAVERNE BUCHANAN,
14 called as a witness being first duly sworn in
15 the above case testified under oath as follows:

16 MS. BUCHANAN: I'm asking the ALRC
17 to renew my license. I've done my research,
18 and currently, I -- I am one of the only --
19 one of the two -- one of two black-owned
20 entertainment venues in the entire city.
21 This committee recently heard recommendations
22 to increase the number of black-owned
23 businesses to improve equity in the
24 entertainment scene.

25 I would like to see if we can please

1 come together to figure out a way to renew
2 the license for the sake of people of color
3 in the City of Madison. I would accept any
4 sanction or regulation proposed to bring my
5 venue into compliance, including attending
6 any classes that would assist me as a
7 black-owned business to exist in the City of
8 Madison.

9 I do not only want to succeed because I
10 am a black business owner, but also because I
11 am a veteran of the regular army, and this
12 business is my dream for myself, other
13 veterans that get out of the military and
14 want to pursue and succeed in their dream.
15 During my eight years of military service,
16 the assignment that helped me to come to this
17 dream is my assignment to Honduras Soto Cano
18 Air Base where my assignment was to work
19 joint service with the Air Force. My job was
20 to supervise the protocol section including
21 grant/deny -- deny or grant top secret
22 clearances to senior ranking dignitaries
23 coming into the Dominican of the Republic
24 (sic).

25 When I met the Air Force Commander,

1 Captain Henry McFadden, he gave me an
2 assignment outside of my regular duties,
3 which was to run a restaurant and grill for
4 the troops so that they had an outlet while
5 they are away from their home while in
6 conflict in Honduras.

7 My goal in giving an outlet is similar
8 to today in the business that I'm in. In the
9 City of Madison, African Americans that have
10 never -- never even thought on the level of
11 owning a business look up to me. My struggle
12 comes from where they come from. My struggle
13 of coming from where they come from has
14 inspired many of them to struggle and succeed
15 the same. If I fail, I will -- that -- I
16 will feel like I failed them.

17 In the City of Madison, Divine Orders
18 Catering's primary responsibility is the same
19 or similar as it was in the military; to give
20 the folks an outlet, someplace to go that
21 cares about them and their success. I care
22 about everyone the same, but my passion is to
23 set the stage that African Americans and
24 minorities can succeed in the restaurant,
25 bar, and entertainment industry.

1 I've provided the following services in
2 the City of Madison since 2014: A voc rehab
3 provider since 2014. I work with disadvan --
4 disabled and dis -- disadvantaged individuals
5 in Dane County. I provided very successful
6 training for disadvantaged and disabled
7 persons, including veterans, to help them
8 gain skills and become employable in the real
9 world. I have provided training at my office
10 at 1502 Greenway Cross and at my restaurant
11 at 2122 Luann Lane.

12 My recent hire is very concerned about
13 the possibility of our departure from
14 2122 Luann Lane. I have worked with --
15 excuse me -- job developers that I have
16 worked with during my -- my -- since 2014,
17 job developers are AchieveAbilities,
18 Mary Kay Clark, and Dimensions recently with
19 Carol.

20 Families' loss of loved ones repasts and
21 luncheons after the funeral. A lot of them
22 can't afford it. In fact, the recent guy
23 that was poisoned, we gave his repast for
24 free. I have made my space available for it.
25 I made my space available to non-profits that

1 provide life skills and pre-employment
2 training to disadvantaged adults with
3 multiple barriers to employment.

4 Additionally, I am located directly
5 across the street from Foster's Funeral Home,
6 where I make my space available to families
7 and their loved ones that need a reasonable
8 repast for their surviving loved ones to have
9 memorials, luncheons, and repast after
10 burials and/or cremations. My space is
11 available to those persons for \$200.

12 Sometimes they're not able to pay anything
13 depending on their situation, which is case
14 by case.

15 Many of those families don't have any
16 insurance or money to afford a proper
17 funeral. So for me to be able to relieve
18 them of a high cost of a repast or a luncheon
19 to join them with their families is something
20 that -- that they can appreciate; therefore,
21 my primary role is to be able to alleviate
22 some of their additional stress by providing
23 them with space for them to unite their
24 surviving loved ones for a luncheon or repast
25 at a reasonable price. No other

1 establishment has been able to offer this.
2 we offered the service also to -- to one of
3 the City workers. I can't think of who that
4 was. The mayor's assistant.

5 Incidents at Divine Orders Catering from
6 2016 to 2019: Divine Orders Catering has had
7 only one isolated incident in the entire
8 three years of operation at the

9 2122 Luann Lane, which no one was ever

10 killed. Other establishments in the
11 community, to name a few, have resulted in
12 loss of lives and/or life-threatening
13 injuries. They are still operating.

14 Incidents at other establishments, owners are
15 still operating and police -- research
16 indicates that police assisted them with
17 security plans, but after more serious
18 complaints, the City still allowed them to
19 operate.

20 Pitcher's Pub, one man dead, one man
21 wounded in the shooting, still operating.
22 O'Grady's Irish Pub, definitely at that
23 operation, they're still operating. Visions,
24 five injured from a shooting/stabbing inside
25 of the facility, 40 or 50 people inside of

1 the club at the time of the shooting, still
2 operating. Wiggy's, well known. This person
3 was a politician actually. They actually
4 wrote his plan for him.

5 I'd like to be given that opportunity as
6 well. They had over 137 complaints, and all
7 that the city had indicated was only two of
8 them involved weapons. So it's acceptable
9 there's 137 complaints? Divine Orders
10 Catering, LLC, has 27 complaints in 2018,
11 12 months, only one of which involved a
12 weapon. All others involving weapons were
13 either alleged or not on Divine Orders
14 Catering premises; therefore, the other
15 complaints were noise complaints. I need the
16 City to help me to develop a plan to assist
17 with noise so that the community is not upset
18 with the Divine Orders Catering. I want to
19 be in the community.

20 At this time, Divine Orders Catering
21 restaurant only had one serious incident, and
22 it was isolated. I'm not saying that that's
23 okay. I'm just saying it was one incident,
24 one isolated incident where others have had
25 other 137 complaints and two weapons in that

1 situation and many more, and they're still
2 operating.

3 I would like to just be given the same
4 opportunity as -- as other -- as other
5 business owners. If I can have someone sit
6 down with me and do a plan, then I would
7 welcome that. If in the end it would -- me
8 keeping my license would mean I have to move,
9 then I'm willing to do that. In fact, I've
10 already -- someone -- another business owner
11 indicated that he would be willing to
12 actually let me rent his facility for my
13 operation.

14 He's been following us for a while,
15 incidents and everything, and he's willing to
16 actually rent that space on Stoughton Road if
17 we need to actually move to a space, and he
18 will support that. The building is actually
19 sold. So we don't know what the other
20 landlord, which is Sun Prairie Bank will do.
21 They -- they asked me to stay. They --
22 they've observed as well and said we would
23 love for you to stay. So ideally, I would
24 love to stay, but if I was asked to leave to
25 keep my license, I will, even though ideally

1 in that community where I'm actually able to
2 help people more and maybe have the
3 opportunity to develop a better plan and be
4 given the same opportunity to sit down and
5 write a better plan. If I could have the
6 police sit down with me, I think I would do
7 well too with a plan.

8 Thank you.

9 MR. LANDGRAF: Questions?

10 Assistant City Attorney Allen.

11 EXAMINATION

12 BY MR. ALLEN:

13 Q Ms. Buchanan, Allegation Number 4 is that the City
14 -- I'm going to summarize it -- granted you an
15 entertainment license for July 1st in 2018
16 continuing through June 30th 2019 and that you
17 have never paid a license fee; is that correct?

18 A I became aware of that. I've been actually really
19 in and out for this -- these past couple years
20 because I've been actually sick on family live. I
21 can prove the medical condition. It's severe, but
22 I really have -- that's why I haven't been opening
23 the facility for the time frame.

24 Q All I want to know is --

25 A Well, I just found out --

1 Q -- has that been paid or not? It's not paid?

2 A Yes.

3 Q It's unpaid as of today?

4 A Yes.

5 MR. ALLEN: Thank you.

6 MR. LANDGRAF: Mr. Donnelly.

7 MR. DONNELLY: Thank you,

8 Mr. Chair.

9 EXAMINATION

10 BY MR. DONNELLY:

11 Q Ms. Buchanan, the receipts that you submitted for
12 the audit, were those all of the receipts that you
13 have for the audit period?

14 A I think I have more, but I told her, if I can get
15 those together, then that would be better for me
16 to be able to just get them for her.

17 Q When she made the original request, did she
18 request all of the receipts or some of them?

19 A She just requested receipts, and then when we sat
20 down, she said I would be able to -- when I didn't
21 have them, she said, "well, you can just get those
22 to me when you have them." So when I e-mailed
23 her, I said, "Do you still want me to try work on
24 getting receipts to you?"

25 Because we were -- the plan was to go to not

1 this meeting, but she was trying to get me to the
2 next ALRC. So this was surprising so quickly. So
3 that's why when I e-mailed her, I said, "Am I
4 still able to try to gather the things that you
5 asked me to get?" And she said, "Oh, no. At this
6 point, I don't need anything else from you. The
7 next thing I will send you is a series of
8 questions, and then you answer those questions and
9 get them back to me," and that's all that she
10 said.

11 I even was talking about the documents that
12 she wanted me to clip from Facebook. I said, "Do
13 you still want me to work on that?" My request
14 was saying, "Do you need anything else," because
15 it was so quick, and she said, "No, I don't need
16 anything else from you. The next thing will be a
17 series of questions." I have that e-mail, the
18 communication too.

19 MR. DONNELLY: Okay. Thank you.

20 MR. LANDGRAF: Other questions?

21 Alder Carter.

22 MS. CARTER: Yes.

23 EXAMINATION

24 BY MS. CARTER:

25 Q This is going back to the statement from the

1 police officer. The Department of Health came out
2 and certified your kitchen, correct?

3 A Yes.

4 Q with the -- the stove already in it?

5 A Yes.

6 Q And they certified it for food prep and -- and
7 cooking, correct?

8 A They certified it for mostly warming and, like,
9 grilled cheeses and stuff that was quick.

10 Q And you still have access to the feed kitchen?

11 A Yes.

12 Q Okay. When you were -- somewhere in here it was
13 talking about your security. I don't know who it
14 was, but it was a person that was dressed in
15 street clothes. Was he actually working that
16 night as security?

17 A No. Just staff. Like, we do cleaning and
18 different things. If it's not an event, they're
19 just staff, and they assist with making sure that
20 things go right there in terms of -- I guess you
21 would consider that security because we all walk
22 around and do it when there's no event, you know,
23 just what's going on, you know, kind of observing
24 the scene, because we still could have a number of
25 people and it not be an event. So we still have

1 staff monitoring that, and we do our own events at
2 that time.

3 Q And your events are usually reserved? Someone
4 will call you and say they want to have an event
5 here?

6 A Yes.

7 Q And that would be what you would notify the MPD --

8 A If it involved a DJ.

9 MS. CARTER: Okay. Thank you.

10 MR. LANDGRAF: Additional
11 questions? Mr. Donnelly.

12 MR. DONNELLY: Thank you,
13 Mr. Chair.

14 EXAMINATION

15 BY MR. DONNELLY:

16 Q Ms. Buchanan, on the nights when -- or what are
17 the times when you have security?

18 A We only have security on when we have actually
19 events. Those are the nights that we have
20 security.

21 Q And can you describe what the security people do
22 when they're there.

23 A We do wand people, and that's regular coming
24 through the door. We do wand people for events.
25 They also -- usually one or more than one of

1 staffing will assist at that time to make sure
2 that people are not sitting in cars. They as well
3 as myself will actually walk out to the cars and
4 knock on the window and say, "If you're not coming
5 in, you need to leave."

6 If they have noise, you know, they come in
7 there with the music already driving in, and so
8 I'll -- I'll go out or -- or security will go out
9 and say, "You need to turn the music off and park
10 the car and come in." Once they get inside -- we
11 can't control what they do on the street, but as
12 soon as they turn in and someone said, "Hey, they
13 got loud music out there," or we observe it
14 because we're walking around, then we tell them to
15 turn the music off and come in.

16 Q When you have events and have security people, how
17 do you get them? Do you hire them through a
18 security firm?

19 A Not through a security firm, no.

20 Q How are they identified as security?

21 A We wear the -- we have a vest, a black and a
22 silver vest, and maybe I should get something
23 different because you wouldn't necessarily feel
24 like that's a uniform unless you know, but we have
25 our name on there, you know, "Divine Orders

1 Catering." And then we have the black shirts that
2 are -- that says "security," and if they happen to
3 not have the -- the shirt that say "security,"
4 they have to wear all black to identify themselves
5 as security. If they forgot the shirt, then they
6 will have to wear just black.

7 Q Oh, I see.

8 A Or the vest. Because we have both. We have the
9 vests and the shirts.

10 Q So if they forget their --

11 A They have -- let's say they don't have the -- the
12 shirt that says security or a vest, then we -- we
13 could -- and they just have a -- we would make
14 them get a black shirt if they can't go all the
15 way home. Just wear a black shirt and black
16 slacks.

17 Q So when they're wearing a black shirt and black
18 slacks, what identifies them as security?

19 A Well, we just -- I mean, that doesn't happen that
20 often. But I'm saying we're not wanting them to
21 go all the way back home if we're having an event.
22 That's what I'm saying. But most of them, they
23 show up with it or we have extra vests there or
24 extra shirts, but if we don't -- well, I can't say
25 we never had or we didn't have the actual title on

1 there, but I'm saying that's what I would do if
2 that happens rather than sending them all the way
3 home and not being able to secure the event.

4 Q The video that we saw where there were a bunch of
5 cars, is that typical of a night at Divine Orders?

6 A That was a regular night. That wasn't a -- in
7 fact, there was only about 15 people there. That
8 was not an event that night, period.

9 Q So would you say that's a normal amount of
10 activity or more or less?

11 A We have less sometimes. We have less people in
12 there during -- I mean, if you come in there on,
13 like -- like the officer said when he was here
14 when he came in on a Monday or a Tuesday, it's
15 pretty slow, the activity Monday, Tuesday or even
16 a Wednesday. So that's why, like I said, we do
17 those standing things trying to promote
18 Taco Tuesday or Thirsty Thursday, and there's been
19 times when no one came out where just staff was
20 there. And you get those people that come and
21 nobody's not really getting anything, buying
22 anything. So we -- what's going on? You know?
23 So eventually, they leave because they're just
24 there in a restaurant. It's not to hang out. So
25 we try to encourage them to get something or

1 depart.

2 MR. DONNELLY: Thank you.

3 THE WITNESS: Thank you.

4 MR. LANDGRAF: Mr. Fletcher.

5 MR. FLETCHER: Thank you,

6 Mr. Chair.

7 EXAMINATION

8 BY MR. FLETCHER:

9 Q Ms. Buchanan, going back to the question about
10 receipts, as you heard Laura Larsen kind of
11 testify earlier on, you provided 106 days' worth
12 of receipts for the year. You acknowledge that
13 there are perhaps more receipts for last year that
14 you have, correct?

15 A Correct.

16 Q What would you estimate that number of receipts
17 that are not present to be? Is it 15? Or is it,
18 like, 50 more days?

19 A It'd probably be more -- more than that.

20 Q A hundred?

21 A I can't really estimate, but I would think there
22 would be more.

23 Q Just for the -- oh, go ahead. Sorry.

24 For the record, though, why -- why weren't
25 the receipts provided to Laura up front?

1 A I organized and packed up. I mean, I did get
2 suggestions from even Henry Morales on things that
3 I can do to better organize myself, which is
4 revenue -- state revenue that came out to ask me
5 to look -- you know, look in the closet and that
6 type of thing for the liquor, and he said, "One of
7 the things that you could do is get an accordion
8 and then -- for us to organize your recent
9 receipts for what you get from the liquor place as
10 you -- as you receive it." So that would --
11 because I've never had an audit or anything or --
12 so he said, "That would help you better organize
13 yourself for us, and also you may want to do it
14 the same way for -- for other things," auditors or
15 whatever.

16 Q Do you think the statement that Laura made when
17 she -- you know, looking at pages 3 and 4 when she
18 was talking about police calls for service and she
19 went to the fact that basically there were 40 or
20 so days out of the number that she had where MPD
21 case notes could verify that the catering business
22 had patrons there but there were no receipts that
23 she could find. How do you square those two
24 things in your mind?

25 A I think there was more than likely no activity. I

1 mean, Monday through Thursday is very, very slow.
2 Sometimes no one, and that's -- so I would say
3 that if she don't have receipts, it's because
4 there's -- there's no activity or just the patrons
5 were maybe staff, because we'll be there even if
6 no one comes in.

7 Q Mm-hmm. Was your -- obviously you had a lot of
8 the neighbors today come in and kind of testify or
9 provide comments to be more, you know, specific in
10 most cases. Is that the first time you've heard
11 their concerns around noise, around those sorts of
12 issues with your property?

13 A To that extent, yes, that -- that many people may
14 be here like when we would have meetings in the
15 past, it might be one person that comes. But that
16 was -- to hear their opinions in those numbers --
17 I mean, I want to hear their opinions. I wish I
18 can develop a way where they would come and give
19 some of those opinions to me if I was given that
20 opportunity.

21 Q Have your neighbors ever approached you directly
22 kind of with their concerns or issues to say, "I'm
23 constantly hearing noise"?

24 A No. I wish they had.

25 Q My last kind of question goes back to kind of

1 Ms. Winrich and the property management. What's
2 the relationship between you and Ms. Winrich like
3 in terms of the --

4 A She's hardly ever there because they're not
5 really -- no one else is licensed in there to do
6 operations. And then the pastor is in a whole
7 other state, which is the owner, which is why he
8 was trying to sell the building. So a lot of even
9 the property management responsibilities were --
10 were put on pretty much us because we were there.

11 The -- you know, the threats of turning off
12 electricity, well, that's not even in my lease to
13 pay -- for us to have to pay that. And we want to
14 exist, so, of course, we paid that for the whole
15 building because it's not separated out. The
16 community joined together because we don't make a
17 while lot of money. Even Revenue looked at it and
18 said, "You're not really making anything."

19 Q Is it your testimony that -- or is it your --
20 well, in your commentary earlier on, you basically
21 in your questions, you stated you have a \$2,000
22 per month electricity bill?

23 A The electric bill that they pre -- that he gave --
24 that -- I got text communication to back it up.
25 But the electric bill, when he came to me about

1 the electric bill, he said, "we got to pay" --
2 this was at that time, this was before the \$2,000
3 now not knowing that it's 4,000. So he said, "we
4 got to pay the electric bill or you guys, your
5 people are going to show up and they're not going
6 to able to get in." I'm like, "That's not in my
7 lease." He said, "You need to pay 1,600."

8 So at that time, we got together and we paid
9 \$1,600 with the community's help, and then just
10 recently he came back and said, "we have to
11 pay" -- I got the text. "we have to pay --
12 they're going to shut the electric off if we don't
13 pay -- we have 2,000 more to pay," and I'm like,
14 "wait, wait, wait. what happened to the \$1,600 I
15 paid?" And so I've been paying that.

16 Q And I don't want to delve too far into kind of the
17 landlord/tenant issue other than to just simply
18 ask: And are they still wanting you in the
19 facility? That's kind of my question.

20 A Yes. Yes.

21 Q Okay. Okay. Just asking because that piece is
22 important for us.

23 A Well, they have a the new landlord now. The new
24 landlord is Sun Prairie, and they asked us will we
25 stay, but, I mean, like I said, if keeping my

1 license means leaving, we have a location for
2 that.

3 Q I'm sorry. My absolute last -- last kind of
4 question. Do you believe that some of the -- the
5 issues with shootings, etc., in that area and some
6 of the gunshots that are part of the City's
7 complaints are more kind of factors in the
8 neighborhood versus factors stemming from patrons
9 at your establishment?

10 A Yes, I do. I've been there 20 years, and I know
11 the area. So, yes, I believe that it's a lot in
12 the neighborhood itself.

13 MR. FLETCHER: Thank you very much.

14 MR. LANDGRAF: Further questions?

15 Alder Carter.

16 EXAMINATION

17 BY MS. CARTER:

18 Q So when -- the new landlord is the Bank of
19 Sun Prairie, correct?

20 A Yes.

21 Q So under Eric Maiden, did you find yourself paying
22 for things that were outside of your rent, your
23 monthly rent?

24 A Paid for everything outside of our rent.

25 Q And what were those things? For example, the

1 light --

2 A The electric, the lawn --

3 Q The electric bill, was that for the whole
4 building --

5 A -- the snow removal --

6 Q -- or just your section?

7 A -- everything.

8 Q Was the electric bill for the whole building or
9 just your section?

10 A It was for the entire building.

11 Q And the snow removal was for --

12 A The entire building, and they were still doing
13 stuff in the building.

14 MS. CARTER: Okay. Thank you.

15 MS. ZILAVY: I just have a couple
16 questions.

17 EXAMINATION

18 BY MS. ZILAVY:

19 Q Where do you get your security personnel from?

20 A We use Tuan (ph), who is licensed, and then the
21 other, TY, the heavysset one, who is licensed, and
22 the one that you're referring to, he really acts
23 as more staff as opposed to security. So we use
24 Tuan for security, who is licensed if I need to
25 produce the license, and TY, who -- the other TY.

1 I can't think of his name, but he's licensed too
2 and then my -- my cousin is licensed as well,
3 which is Maurice Foy.

4 Q And you said the electric bill was \$4,000?

5 A I didn't learn that until just recently. I said,
6 "What happened to the 1,600 that I paid? Because
7 the community helped with that."

8 Q What period of time is that for?

9 A He didn't say. He just told me. I don't really
10 know if he gave it to the other man. I know
11 Sun Prairie was taking over. So I don't really
12 know if it was paid or not.

13 Q Well, that \$1,600 that you paid for electric, what
14 period of time was that for?

15 A For -- as far as electric?

16 Q Yes.

17 A I'm not sure of the time frame. He just told me
18 what it costs.

19 Q So you paid \$1,600 without question? Just, "Here
20 you go"?

21 A I wanted to exist there, and that was his -- his
22 way of doing that.

23 Q And when did that --

24 A "Well, I don't need to pay. I'm not there."

25 Q When did that happen?

1 A I got my texts. I have text communication. Okay.
2 I see winrich. I need to plug it up. The charger
3 is dying out now. I have text communication. I
4 need to charge my phone. Can I show it to you now
5 or -- and I can see the time, because we --
6 because I keep all of her texts.

7 Q So that was winrich that told you you need to pay
8 \$1,600?

9 A And I've got every payment I've ever made to her.

10 Q And approximately when was that?

11 A About a month ago, month and a half. It was
12 the -- the first -- the \$1,600 and then just
13 recently started working on --

14 Q So was that March?

15 A Around March or -- yeah, around March.

16 Q And when was the last time you paid for the
17 electric bill prior to March?

18 A Just recently.

19 Q Prior to March, when was the last time?

20 A Oh, prior to March? We didn't have to pay it. I
21 don't think we paid anything else. He just let it
22 build up and then said it was a large bill and
23 that if you didn't pay it, they was going to shut
24 you off.

25 Q So you didn't pay electric up until this past

1 March?

2 A Right.

3 Q And then winrich sent you another text and said,
4 "Now you owe \$2,000 for electric"?

5 A well, what she said was, "You need to -- if you
6 don't -- just so you know, get your stuff out the
7 freezer because we got to pay something for
8 electric." I said, "You got to pay something for
9 electric?" And she said, "Yeah, or they're going
10 to cut the electric off because" --

11 Q I thought you said she said that you had to pay
12 \$2,000?

13 A Yeah, then she said it was -- then I said, "what
14 happened to the \$1,600 I already paid?" And she
15 said, "The bill was actually -- we have \$2,000
16 more that we need to pay."

17 Q And when did she send you that text?

18 A That was, like, a week and a half ago.

19 Q So --

20 A A week and a half, two weeks.

21 Q So April 15th, around there?

22 A Mm-hmm. I mean, I can -- I got the plug. I can
23 plug it up and show you.

24 Q How is the new landlord, the Bank of Sun Prairie?

25 A You said how is he?

1 Q Yes.

2 A He's -- he came up.

3 Q No, I mean, how is it that the Bank of Sun Prairie
4 is now the landlord?

5 A I think they said it was a repo or whatever you
6 want to -- I think it was, like, a -- where they
7 took it back.

8 Q And who told you that?

9 A Because he said, "who are you paying your rent to
10 right now." I said --

11 Q who told you that?

12 A This was the Bank of Sun Prairie. He came in
13 while we were in there and said, "who are you
14 paying your rent to right now?" And I said,
15 "Eric."

16 Q who at the bank of Sun Prairie?

17 THE WITNESS: Do you still have
18 your card, Mattie?

19 A I don't have it. He said, "Now I'm going to send
20 you something out, but pay your next rent for June
21 right to me."

22 Q And then he came to --

23 A He came up to Luann's because we was wondering
24 what -- we was like, "wait a minute."

25 Q when did he come there?

1 A The day before yesterday.

2 Q So Tuesday?

3 A Yeah.

4 Q About what time?

5 A What time was it? 1:00.

6 Q And he didn't give you a business card or
7 anything?

8 A He did. That's why I asked Mattie for a business
9 card, because he wanted me to send the payments to
10 him. He was telling me he was going to redo
11 floors and -- I might have it down in here.

12 THE WITNESS: You don't have yours,
13 Mattie?

14 MR. LANDGRAF: No further questions
15 Ms. Zilavy?

16 MS. ZILAVY: No.

17 MR. LANDGRAF: Okay. Mr. Donnelly.

18 MR. DONNELLY: Thank you,
19 Mr. Chair.

20 MR. LANDGRAF: Ms. Buchanan, they
21 have a question for you.

22 EXAMINATION

23 BY MR. DONNELLY:

24 Q Ms. Buchanan, on November 10th, 2018,

25 Sir Isaac Bridges was shot allegedly outside your

1 building. I want to go over a couple of things
2 you said about that.

3 So when did you become -- when did you first
4 become aware that the shooting had happened?

5 A I became aware of it after -- well, once I
6 received the police call, I was like, "Something
7 happened." Then I talked to the alderman.
8 "Something happened. I'm going to have to look
9 into it." I'm going to have to look into it now
10 because I got his voicemail.

11 Q Okay. So you got the -- was the voicemail the
12 night of the shooting, or was it later than that?

13 A I did not get it until the next morning, but it
14 was that night.

15 Q Okay. So --

16 A But he didn't say what it was. He just said
17 something. I can't remember exactly his words.
18 Could I call him, he left his phone number, and
19 then when she -- when the alderman called, I told
20 her that -- that he had left a message -- that the
21 police had left a message, so I need to probably
22 start trying to find out what's going on.

23 Q Were you on the premise that night?

24 A Yes. The night of the shooting? Yes.

25 Q I know that you have said a lot of this before,

1 but you haven't said this under oath. So I want
2 to give you a formal chance for it.

3 A Okay.

4 Q So the -- the detective described that in the
5 video, Mr. -- sorry. I don't recall the name --
6 Mr. Morris came up quickly to the bar and spoke to
7 you. What did he say when he spoke to you at the
8 bar?

9 A I could not figure out exactly what Jack -- what
10 he was saying to me. Which is why I told him, "I
11 don't know what he was trying to say." I was
12 trying to ask him what he was trying to say.

13 Q Did he appear agitated?

14 A He appeared -- yeah, he appeared kind of agitated,
15 which is why I was trying to ask him, "What are
16 you saying? What are you talking about?" And
17 then he quickly left the bar, and he never came
18 back in. And then Johnny, which was one of the
19 managers, came in from out -- from outside
20 somewhere, and he said, "You ready to go?" I
21 said, "Okay. We out of here." I said, "Do you
22 know what Jackie's talking about? What is he
23 talking about happened?" He said, "Everything is
24 fine out there. I just locked the doors. It's
25 time to go. You have money on you, you need to

1 get off premises," and I said, "Okay."

2 And he never -- we left. We looked outside,
3 of course, on the premise completely. It's
4 completely pitch black because that's another
5 thing they don't have. They don't have lighting
6 there. Nothing was going on. Johnny just came
7 from out there and said nothing was going on. We
8 -- I looked across the street, and I --

9 Q You said Johnny?

10 A I seen the police, but they didn't do anything.

11 Q I want to make sure I heard you right. Did you
12 say Jackie came in and said nothing was going on?

13 A No. Johnny, which is the other man.

14 Q Oh, Johnny.

15 A So he came from outside, and I said, "Is -- is
16 something wrong or what -- did you just see
17 Jackie?" I'm trying to ask him. He said, "It's
18 time to go. There's nothing going on. I just
19 came in from outside. I just locked your doors,
20 the doors, and we can get out of here because you
21 have money on you."

22 That's dangerous in this area. I said, "All
23 right. Let's go then. So we left out. We looked
24 around and looked in the premises. We didn't go
25 back to the back because it's pitch black. You

1 don't want to go back, because we don't let people
2 park in the back anymore, period. That's been
3 that way for, like, seven months. We don't let
4 people park in the back of the premises.

5 And then I looked across the street and seen
6 the police. They didn't move. It just looked
7 like their normal self sitting over in the parking
8 lot across the street.

9 Q So was Mr. Morris's behavior abnormal? Like, does
10 he normally appear agitated like that? Does he
11 normally --

12 A He's always hyper. But he -- that's why she's
13 laughing. He's always hyper. He's probably a
14 little more hyper than normal, which is why I was
15 trying to figure out what was going on with him,
16 but he never came back in. So that's why when
17 Johnny came back in with knowledge that he was out
18 and not saying anything was going on, he said, "I
19 locked the doors. The parking lot's cleared.
20 There's nobody here but you and me. So you need
21 to get out of here. We need to go."

22 Q Have you ever talked to Mr. Morris since then and
23 asked what he was trying to tell you?

24 A No. I don't think I've mentioned it anymore, and
25 usually if it's something, though, Jackie would

1 mention it to me. He didn't mention that anymore.
2 But we did start to find something went wrong,
3 what was going on.

4 Q So he may or may not have known something about
5 the shooting, but he never said anything to you,
6 and you never asked him?

7 A That -- that particular about what he was saying
8 on the tape is what I'm saying, about what he was
9 he was saying to me, he never mentioned anything
10 about that.

11 Q Did he ever say anything about the shooting?

12 A Yeah. At some point he mentioned -- he did talk
13 about something, that somebody got shot because
14 he's one of those -- what do you call those where
15 they go to the hospitals?

16 UNKNOWN SPEAKER: Advocates?

17 A Whatever that term is where they go to hospitals
18 and stuff, but he still never said that something
19 happened on our premises. That -- that -- that
20 exact was never said until later on as, like, a
21 couple, like, "Oh, whoever it is in the hospital,
22 I went to see him." I don't know if it's because
23 the person was unconscious or whatever his
24 situation was with that. I don't know the
25 details, but he never mentioned that, that

1 somebody was shot on our premises at that time.

2 Q He never did, or he never did until later on?

3 A Until, like, maybe a couple of -- maybe four or
4 five days later.

5 Q what did he say then?

6 A It was -- it might have been later than that,
7 whatever the person -- he talked to the person or
8 the person's mom, because they talked to
9 everybody. So at some point I did find out that
10 something happened on the premises, but that night
11 when he was trying to tell me something, I never
12 would have thought that, and usually I'm walking
13 around, but I was actually bartending because I
14 didn't have a bartender. So I didn't really get
15 from behind there, which I hate, because I want to
16 get from behind and see what's going on, because I
17 was actually bartending the whole time, and I
18 never got a chance to step from behind the bar.

19 So that I feel bad about, because I normally
20 would be out there, and I normally would have been
21 out there. I probably would have got into -- I
22 would have seen, you know, if something was going
23 to happen. I bothered myself about it after I
24 found out.

25 Q was there an event that night?

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1 A Huh?

2 Q Was there an event that night?

3 A No, there was not an event. That was just a
4 regular day. We had, like, 15 -- 12, 15 people.
5 It was not that many people there.

6 MR. DONNELLY: Okay. Thank you.

7 MR. LANDGRAF: Further questions of
8 Ms. Buchanan?

9 Okay. Ms. Zilavy.

10 MS. ZILAVY: Closing?

11 Well, I will -- I will start with the
12 audit. And in my view, the audit alone is a
13 reason to non-renew. The ordinance,
14 38.05(9) -- well, 38.05(10) speaks to
15 financial audits, and it says, "The licensee
16 shall cooperate fully with the Finance
17 Department and shall provide access without
18 delay to any of the business's books of
19 account, bank statements, billings, invoices
20 and any other documents relating specifically
21 to the licensed business as may be requested
22 by the finance department." It goes on to
23 state that when the results come back, if
24 they do not support that it's a restaurant,
25 the City attorney can move for suspension or

1 revocation.

2 I think that Laura Larsen's testimony
3 was clear. I think it was very compelling.
4 She stated that she -- first of all, there
5 was difficulty in -- in getting in touch with
6 Ms. Buchanan. The letter that was sent to
7 her was returned. So she never retrieved the
8 letter, and then there was some difficulty
9 getting together to meet. When they met on
10 March 11th, Laura Larsen explained the
11 process to Laverne, explained the
12 documentation that she needed, and
13 Ms. Buchanan requested three weeks to compile
14 the necessary documents.

15 Ms. Buchanan then proceeded to cancel
16 two meetings intended to conduct the audit in
17 terms of getting the receipts and I -- I have
18 -- I saw the receipts that were submitted.
19 They were written on half sheets of paper.
20 Eight Hamburgers. Eight hamburgers times
21 whatever. My first thought when I saw the
22 receipts was that she delayed her meeting
23 with Laura because she was actually writing
24 up the receipts, and I believe that there's
25 plenty of evidence before you that supports

1 that she was, in fact, writing receipts.

2 The fact that there are receipts for
3 106 days out of an entire year, Laura Larsen
4 testified that she asked for receipts for all
5 of 2018. She got 106 days. Laura Larsen
6 testified how she took the data and went
7 through to try to determine the authenticity
8 of the receipts, the authenticity in relation
9 to events that were advertised, authenticity
10 in terms of when she knew there were patrons
11 in the establishment because of the police
12 calls to the establishment.

13 She testified that the 59 times that
14 police responded, she had 11 receipts, and
15 then she went on further to testify that she
16 was able to determine from the case notes of
17 those calls for service that on eight days
18 they were not open for business but that
19 there were 40 days where police responded and
20 patrons were there and there were no
21 receipts.

22 So I think that on that basis,
23 non-renewal is appropriate. Ms. Buchanan
24 testified that she's one of two entertainment
25 venues in the City of Madison owned by a

1 person of color -- a black person. If you'll
2 recall when she came before you, what she
3 wanted was an upscale deli. There was no
4 conversation about an entertainment venue.
5 She wanted an upscale deli. A deli, a deli,
6 a deli. She wanted to do her food. She
7 wanted to do her mac and cheese. Well, now
8 she's saying she's one of two entertainment
9 venues, while, yes, there's a need for that
10 in the city, I think she's shown that she is
11 one person who should not have that type of
12 venue, particularly in this location.

13 You heard from 11 neighbors. Eleven
14 neighbors came out tonight to testify to
15 their experience with this establishment.
16 That doesn't happen very often. There might
17 be one or two here or there that show up to
18 testify, but to have 11 people come in and
19 tell you how their lives have been negatively
20 impacted by this business is very compelling,
21 and that little snippet of video that you saw
22 I think 100 percent corroborates their
23 testimony and shows just on a very small
24 scale what they have been putting up with
25 from this business.

1 They must waste a whole lot of food
2 because apparently they advertise these
3 events on hopes that people will come and
4 have the food, but according to their
5 testimony, many times, nobody shows up. So
6 they've got all this food prepared and nobody
7 shows up. Sounds like a whole lot of waste
8 to me.

9 Someone was shot in the vestibule, which
10 is, I would say, part of the -- maybe not the
11 licensed premise, but as you all know,
12 licensed establishment owners do have
13 responsibility for the parking lot areas and
14 the areas and the immediately surrounding
15 their premises. So whether it happened in
16 the Divine Orders Catering proper or in the
17 parking lot, it still is a shooting that
18 happened at Divine Orders Catering.

19 You heard the testimony of
20 Detective Kneubuhler that he spoke with the
21 mother of the shooting victim, and she said
22 she's a regular customer at Divine Orders
23 Catering. I don't know why she would make
24 that up. And she made some observations as
25 to security and sometimes wandering and

1 sometimes not, security not always being
2 readily identifiable.

3 And listening to the testimony of
4 Ms. Buchanan and her employees all over the
5 map in terms of, okay, where do you get your
6 security from? Are they licensed? And
7 the -- the answers tended to flow with -- the
8 more detailed the question became, then the
9 answer was different. First, she -- she
10 answered Mr. Donnelly's question that -- he
11 asked if she got her security personnel from
12 a firm. "No, I don't." No comments about
13 them being licensed, and then I asked, and
14 then now she's got all these licensed
15 security people, but her own testimony was
16 they're not readily identifiable all the
17 time, and there was testimony from other
18 witnesses who had security identified to them
19 but observed that they were not wearing
20 anything that readily identified them as
21 security.

22 You heard Captain Nelson testify that
23 Divine Orders draws more than a normal amount
24 of police services to it. It's a 49-person
25 capacity venue. It's supposed to be a

1 restaurant. These types of things typically
2 do not happen at a restaurant, particularly
3 at a small capacity restaurant.

4 You -- you also heard testimony as to
5 why there could be shots fired at a location
6 and upon investigation, no evidence in terms
7 of shell casings. In 2018, Captain Nelson
8 testified there were 75 calls for service at
9 Divine Orders; attempted homicide, shots
10 fired, and many, many noise complaints.

11 what I heard tonight was a lot of what I
12 consider to be untruthful testimony, and I
13 don't think it came from any of the witnesses
14 who had nothing to lose in this case, and I
15 believe the City has proven its case for
16 non-renewal of this liquor license and would
17 ask the committee to not renew the liquor
18 license.

19 MR. LANDGRAF: Ms. Buchanan, do you
20 have -- did you have a question?

21 MR. GRADY: One question for the
22 prosecutor.

23 Now, is this just for the liquor
24 license, or is this for the entertainment
25 license too?

1 MS. ZILAVY: well, the
2 entertainment license is tied to the liquor
3 license, but I think if she hasn't paid for
4 the entertainment license, she doesn't really
5 have an entertainment license.

6 MR. GRADY: Okay. Thank you.

7 MR. LANDGRAF: Other questions of
8 Ms. Zilavy? Okay.

9 MS. BUCHANAN: With regards to
10 the --

11 MR. LANDGRAF: I think you have
12 another question from Mr. Donnelly.

13 MR. DONNELLY: And if this is out
14 of order, you tell me. I have a -- I guess a
15 quick question for Assistant City
16 Attorney Zilavy.

17 You said the capacity was 49? I thought
18 it was 75.

19 MS. ZILAVY: It was 75, but there
20 were all kinds of issues with the building in
21 terms of building code and fire, and they
22 re-evaluated, and then the capacity was set
23 at 49.

24 MR. DONNELLY: Thank you. Sorry
25 about that.

1 MR. LANDGRAF: Ms. Buchanan?

2 MS. BUCHANAN: With -- I guess I
3 can start with the audit as well. I -- I
4 believe I have e-mail proof that I did
5 actually comply with the information and
6 trying to reach out to the auditor in a
7 timely fashion. I informed her that my mom
8 was sick and, I mean, that was emergent for
9 me. I'm sick myself. I'm not -- I wasn't
10 trying to avoid meeting with her in any kind
11 of way.

12 She identified calls and -- and
13 explained that the things, what we're calling
14 events -- I mean, what she's calling events
15 is not what we're calling events. We do
16 those promotions to get people to come in on
17 the slow days. So even the days that she's
18 talking about that she compared and there
19 were customers, I'm going to disagree with
20 that because the folks that were there could
21 have just been staff or people, like I said,
22 that come that think they can just hang out
23 that's in the neighborhood, and we ask them
24 to leave. I believe there was no receipts
25 because there was no sales.

1 If you're going to look at us Monday
2 through Thursday, it's possible that there is
3 no sales. We promote for that reason. We
4 don't -- I don't make up receipts. I'm --
5 I'm actually trying to confirm everything
6 that's sold at all times in that facility.
7 I'm usually the one that's -- that's writing
8 between the -- the preparation of the food,
9 and since it's slow Monday through Thursday,
10 I can do a lot of that myself because I --
11 there's really not a lot of people there
12 especially since I've been sick for over two
13 years myself with allergies that I didn't
14 even know I had where I was on leave without
15 pay, leave without, you know, just -- and I
16 can prove all of this illness. I asked did I
17 need to bring that in. I just want it on the
18 record and prove that my mom was sick, that I
19 was not trying to not comply with her, but I
20 can assure you that if they have calls and
21 they seen people there, it was probably one
22 or two people, and they probably -- it's
23 times they don't -- those one or two people
24 don't buy anything or it's staff or people
25 that just stopped by. They're just in there.

1 They don't buy anything.

2 So no receipt for me for that time
3 they're talking about, whether the police
4 records was along with that in terms of we're
5 open, yes, we are opened. We're closed on
6 Mondays. I've been sick so I let Mondays go.
7 I mean, I'm better now, but like the other
8 day, they're actually seriously slow. If
9 they had observed, then they would see that.
10 The police said himself when he was there
11 nobody was there. He was there on what,
12 Monday or Tuesday? I forgot the exact date.
13 But nobody was there. That's -- that's --
14 that's normal. Since I'm not -- I haven't
15 been -- I've been kind of out of it myself
16 dealing with my mom's sickness and me.

17 So you heard the testimony. There's
18 nothing made up about receipts. We write our
19 receipts. That's how we do it. It's
20 quicker. We can't afford a system that would
21 accommodate folks -- the folks that we
22 actually deal with or work for us. To that
23 form, it would be a very expensive system.
24 We had said that we were going to try to do
25 that this year. I haven't worked a lot

1 because I've been sick. So I work in the
2 evenings and sometimes when I am there,
3 there's nobody there but staff.

4 I know we are responsible for the
5 surrounding area and the facility and that
6 did happen outside. That is our
7 responsibility, but I was bartending that
8 night, and that's the only isolated incident
9 that has happened. There's far more
10 businesses that they allow to keep their
11 license that have calls for violence. That
12 was one isolated incident in the whole time
13 that we've been there over three years. And
14 I just happened to be bartending and not out
15 there. I do feel bad for not being able to
16 be out there to observe maybe somebody's
17 demeanor or something to where we could have
18 headed this off.

19 I'm asking for that assistance for
20 somebody to allow me to keep my livelihood
21 and my business and help me develop a
22 security plan that would benefit if I was
23 able to stay in the neighborhood, to show
24 them that this can be done while I'm actually
25 back in a more healthier state.

1 I have proof that I wasn't well. I have
2 proof that I'm better, and I'm going to be
3 there. If -- if it came to keeping the
4 license and I have to move, I'll be happy to
5 move. Sun Prairie asked us to stay. Yes, he
6 asked us would I stay. So I imagine now that
7 they'll do some of the things that we need
8 which will make it better, like lighting in
9 the parking lots. He's already in there
10 looking at what he needs to do. That wasn't
11 there for us. We couldn't afford to do it
12 because lighting's not really our
13 responsibility.

14 As much as I would like to pay for
15 lighting, he had cameras that could have seen
16 wherever they said something else happen.
17 Well, I think they got cameras. I told the
18 police, and he had cameras, but that night he
19 didn't have them on. Those are not my
20 cameras out there in the hallways or in the
21 back of the building, but had those cameras
22 been on, they cover that whole area. I
23 didn't know they -- I didn't even know they
24 weren't on.

25 I told him to just get the cameras from

1 the pastor. So I have cameras in my unit,
2 but he didn't have cameras in his, and I was
3 kind of saddened by that, because I would
4 have liked to be able to help in that way,
5 but those are not mine.

6 So I'm asking someone to work with me to
7 build a plan that would allow me to still
8 function as a business owner in the community
9 where someone actually sits down with me and
10 develops that like they did for other
11 businesses that I named. They did it for
12 wiggy's. I don't know if they did it for the
13 one on Park Street. I think they had similar
14 plans, but I know the one for wiggy's was
15 developed by the police.

16 They had almost 200 calls and all -- all
17 that was said was that, "Oh, well, out of the
18 200, only -- only two of them were weapons
19 offenses." What difference does it make?
20 There's still a lot of calls. Just like
21 they're saying about my 28 calls or however
22 many calls. I'm just asking for the
23 opportunity to keep my license whether I have
24 to stay and prove that I can be there and
25 make it up to the community for the loud

1 noise, because we haven't had any violence
2 except that one isolated incident -- one
3 isolated incident in three years, and I'm
4 asking not to take my license for that, not
5 to take it for the audit. I'm indicating
6 that we probably just didn't have people.
7 That's it.

8 MR. LANDGRAF: No further
9 questions? Okay. Thank you. Any --
10 Mr. Fletcher.

11 MR. FLETCHER: I don't know if now
12 is in order, but to move into closed session
13 to deliberate. I would make a motion to move
14 into closed session to deliberate until --
15 have we got the relevant statute section
16 handy, Attorney Allen, or would you like me
17 to --

18 MR. ALLEN: It's on the agenda.

19 MR. FLETCHER: Yeah, it says
20 Section 19.85(1(a), (1)(b), and (1)(g) of the
21 Wisconsin statutes deliberating --
22 particularly (a), deliberating concerning a
23 case which was the subject of any judicial or
24 any quasi-judicial trial or hearing before
25 the governmental body -- body. I think

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1 that's relevant section. So I would move to
2 move into -- go into closed session.
3 MR. DONNELLY: And second it.
4 MR. LANDGRAF: Motion and a second
5 to go into closed session. Further
6 discussion? Seeing none, all those in favor,
7 say, "Aye."
8 COMMITTEE MEMBERS: Aye.
9 MR. FLETCHER: Do we have to do a
10 roll call?
11 THE CLERK: Let's go into closed
12 session.
13 (Closed session begins.)
14 (Adjourning at 12:33 a.m.)
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25

1 STATE OF WISCONSIN)
2 COUNTY OF DANE }SS

3 I, JESSICA BOLANOS, a Notary Public in and for the
4 State of Wisconsin, do hereby certify that the
5 foregoing ALRC Non-Renewal Hearing was taken before
6 me at the Madison Municipal Building, 215 Martin
7 Luther King, Junior, Boulevard, City of Madison,
8 County of Dane, and State of Wisconsin, on the 2nd
9 day of May 2019; that it was taken in shorthand by
10 me, a competent court reporter and disinterested
11 person, approved by all parties in interest and
12 thereafter converted to typewriting using
13 computer-aided transcription; that said transcript is
14 a true record of the hearing; that the appearances
15 were as shown on Pages 4 and 5 of the transcript;
16 that said witnesses before examination were sworn by
17 me to testify to the truth, the whole truth, and
18 nothing but the truth relative to said cause.

19 Dated May 9, 2019.

JESSICA BOLANOS
Notary Public, State of Wisconsin

Jessica Bolanos

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