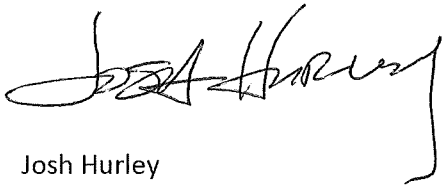


Members of the ALRC, Alder Maniaci, Capt. Gloede, and Alcohol Policy Coordinator Mark Woulf,

The documents preceding this cover letter cover the noise issues around Whiskey Jacks Saloon (WJS). Below you will find an index of four different areas which explains the proactive measures WJS has taken along with reports ranging from meetings with the tenants, tenant statements, and landlord/apt manager reports. This documents show a good faith effort on the part of WJS and its employees in the matter at hand. WJS and its employees understand the difficulties at hand and have been willing to work with the tenants, landlord, and apartment manager. Thank you for your time with this matter.

1. Audio Equipment, Sound Bid, and Decibel Readings
2. Tenant Meeting Recaps
3. Tenant Statements
4. Landlord/Apt. Manager Reports

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hurley". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Josh Hurley
Whiskey Jacks Saloon
552 State St
Madison, WI 53703



Memo

To: Josh Hurley d/b/a Whiskey River Saloon - Madison
From: Clint D. WhiteHorse
Re: Audio Equipment Concerns

Josh:

I have researched the sound issues at your establishment and conducted the following changes:

Removed the speaker towers on stage consisting of (2) full range 1000watt 15" 3-way speakers.
Switched them with (2) 1000watt 12" 2-way speakers (half size)
Lowered Subwoofers under the stage.
Installed insulation and sound proofing under the stage & behind the subwoofers.
Reduced the volume switch on each individual speaker. (someone would need to remove subwoofer from under stage or use a ladder to adjust them again.)
Purchased a decibel meter for the bar manager to use when loudness is in question in the future.

I trust this satisfies your concerns. If you feel sound volume is still an issue in the future, Please call me immediately so I may come visit at the exact time in question.

Regards,
Clint D. WhiteHorse

Badger State Event Productions & Party Rent-All, Inc.
Stage Sound, Lights, D.J., Karaoke, A/V, Tents, Tables, Chairs, Portable Power, Food Catering.
PO BOX 8814
Madison, Wisconsin 53708
Phone: (608) 701-0300
Madison, Milwaukee, Chicago, Fox Cities, Green Bay, Wausau.

2/1/2012



Memo

To: Josh Hurley d/b/a Whiskey Jacks Saloon - Madison
From: Clint D. WhiteHorse
Re: ...Continued Audio Equipment Concerns

Josh:

I have made numerous investigations & attempts to repair the alleged noise problems at your establishment. Please refer to my previous memos informing you of the multiple corrections I've made to accommodate whomever is making these complaints.

Each speaker is independently amplified. Therefore, each speaker has separate power settings. According to industry standards, the power settings should be set 100% open and volume is to be maintained at the mixing board. The last time you asked me correct volume issues, I reduced the power settings on each speaker to 75% power. This means that no matter how high the band or DJ cranks the volume on the mixer, it will never reach past 75% of the capable power.

After removing (2) subwoofers & switching the main speakers to smaller ones, we are already at HALF the power we used when playing in the prior business, The Pub. By lowering the power switches on each amplifier/speaker to 75% output, we are EVEN LOWER.

After this much effort, it seems that your complain tents are unwilling to cooperate with you to co-exist in the establishment; similar to a light sleeping person purchasing real estate next to an airport.

I will make one final attempt to adjust volume concerns by reducing the output power on each amplifier/speaker to 50%. This would mean we are now operating at 25% the original power & volume we did when doing business at The Pub.

For the sake of each of our businesses, I truly hope my efforts, thus far, is enough to satisfy these concerns.

Regards,
Clint D. WhiteHorse

Badger State Event Productions & Party Rent-All, Inc.

Stage, Sound, Lights, DJs, Karaoke, A/V, Tents, Tables, Chairs, Portable Power, Food Catering
PO BOX 8814

Madison, Wisconsin 53708

Phone: (608) 797-0111

Madison. Milwaukee. Chicago. Fox Cities. Green Bay. Wausau.

3/6/2012

Subject: Re: Acoustical Consultation
From: John Westra (audiodesign@mailbag.com)
To: hurley.whiskeyriver@yahoo.com;
Cc: josh@legacycr.com;
Date: Wednesday, March 28, 2012 12:28 PM

Josh:

As promised in my e-mail reply yesterday, I met with Josh Wanta of Legacy Structural this morning to discuss your project to a degree that he could make a reasonable estimate for you. Several options were discussed, but the first option, let's call it the base design, would cost approximately \$33,000.00. This figure includes all of the materials, the labor, and subcontracting of electrical and HVAC contractors for the work involving the light fixtures and the HVAC duct. The other options discussed involved ways of increasing the mass to achieve even better results.

I was quite pleased with this estimated value, as it is lower than normal for work of this type in a space this large, and with the degree of isolation needed to make the project worth doing.

If you proceed with the design contract that we have proposed, we would detail the base design as well as the more robust options so that Josh could provide quotations for the full array of choices.

Let me know if you have any further questions.

John Westra
Audio Design Specialists

----- Original Message -----

From: Josh Hurley
To: John Westra
Sent: Tuesday, March 27, 2012 2:03 PM
Subject: Re: Acoustical Consultation

John,

I would like to get a quote for the project before we start spending money. I have no problem using Legacy and understand that your company will get its fees from us for Option 1, I just feel that we should have some understanding in the overall cost of this project. Give me a call at your earliest convenience at 414-745-0081. Thanks.

Josh Hurley
Whiskey Jacks Saloon
552 State St.
Madison, WI 53703
608-819-8881

From: John Westra <audiodesign@mailbag.com>
To: Josh Hurley <Hurley.whiskeyriver@yahoo.com>

Cc: Josh Wanta <josh@legacycr.com>
Sent: Friday, March 23, 2012 9:49 AM
Subject: Acoustical Consultation

Josh:

This memorandum is to provide you with a proposal for consultation services based upon our site visitation and discussion of 21 March 2012.

It is important to understand that no practical and affordable solution will insure total isolation of your facility from the apartments overhead. The goal would be to develop a solution that reduces the sound transmission dramatically, while at the same time being affordable, and implemented in such a manner that will not degrade the music experience in the bar.

In general, two different solutions will be required, one over the main floor area, and one over and close to the stage area, due to the need to avoid lowering the ceiling significantly over the stage. There would be two principles involved for both areas, but achieved in different ways. The two principles are as follows:

1. The introduction of significant limp mass between the floors.
2. The introduction of a damped air gap between the floors.

The mass is important, as it converts the sound energy to heat. The more mass the better, but there is a practical limit relative to what the structure can support. The mass would be suspended below the existing ceiling. The air gap is a cavity above the suspended mass that dissipates the energy that does transmit through the suspended mass, minimizing its ability to stimulate the second mass, namely the existing ceiling structure. This cavity would be damped by absorptive insulation to avoid its becoming resonant at wavelengths equaling its dimensions.

Part 1 of this proposal is to design the new high mass suspended ceiling in such a manner as to provide the highest practical transmission loss, one method over the main floor, and a variation of that method over and near the stage. We would provide a detailed description of the materials to be used, how to work around items such as light fixtures, and the installation methods, complete with sectional drawings. The fee for Part 1 is \$1,880.00.

This fee is based upon the understanding that Legacy Structural, the recommended contractor, would be selected to do the work. We recommend Legacy Structural due to the reasons that we work with them regularly, so they are experienced with acoustically based upgrades, they do excellent work, they are cost effective, and most importantly, we don't have to develop a highly detailed and ponderous bid specification as we would with an unknown third party contractor, which would cost you considerably more in consultation fees. Legacy Structural would be able to provide you with a quotation for materials within a week of receipt of our report.

Part 2 of this proposal is optional. You may or may not want to quantify the transmission loss provided by the proposed upgrade. If you do, we would need to make a formal test of the transmission loss both before and after the upgrade. The test involves stimulation of the space below with wide band pink noise at a very high level, and then measuring the level upstairs in each 1/3 octave, followed by the production of the applicable graphics and report. The evaluation and reporting is not simply listing the individual 1/3 octave values, as there is a complex set of rules for converting the raw data to a single transmission loss value. The cost for the testing and reporting per time is \$1,460.00, so the total for before and after testing would be \$2,920.00. This cost does not include any special parking requirements. The value of the quantification is primarily a function of demonstrating to the upstairs tenants the efficacy of the upgrade in measurable and standardized terms, taking the subjectivity out of the discussion.

Part 3 of this proposal is for the supply of an XTA DP-424 digital processor for use in the sound system, along with the testing required to set its notch filters to align with the key resonant frequencies of the completed and upgraded floor/ceiling configuration. Any floor/ceiling combination will transmit sound more readily at frequencies at which it

is resonant, so notching these frequencies, once known, can be quite effective while at the same time, if the filters are narrow enough, not degrade significantly the experience downstairs. The cost for the DP-424, along with the required resonant frequency determination, is \$3,200.00.

Let me know if you have any questions.

WHISKEY DECIBEL READINGS

	DJ on Dance Floor	DJ @ Front Door	DJ Upstairs	Band on Dance Floor	Band @ Front Door	Band Upstairs
Fri 2/3/12	100	97	60	105	100	62
Sat 2/4/12	101	96	62	106	101	63
Tue 2/7/12	86 house	86 house	56 house			
Wed 2/8/12	98	94	60			
Thur 2/9/12	100	96	61			
Fri 2/10/12	100	97	60	104	101	62
Sat 2/11/12	102	99	62	105	102	63
Tue 2/14/12	87 house	87 house	56 house			
Fri 2/17/12	99	95	59	102	98	60
Sat 2/18/12	98	94	59	101	97	59
Fri 2/24/12	99	95	60	100	97	59
Sat 2/25/12	100	96	60	101	97	58
Fri 3/2/12	99	93	55	99	95	56
Sat 3/3/12	99	94	56	99	95	57
Tue 3/6/12	88 House	88 House	56 House			
Wed 3/7/12	96	93	No entry			
Thur 3/8/12	98	94	No entry			
Fri 3/9/12	99	95	59	100	96	59
Sat 3/10/12	100	95	58	101	97	59
Fri 3/16/12	98	92	57	100	94	60
Sat 3/17/12	101	98	65	105	99	64
Fri 3/23/12	97	93	56	99	94	57
Sat 3/24/12	97	94	56	99	95	57
Fri 3/30/12	99	95	57	100	95	56
Sat 3/31/12	99	96	57	101	96	57
Thur 4/5/12	93	89	55			
Fri 4/6/12	98	93	57	100	96	58
Sat 4/7/12	99	95	57	101	97	58
Tue 4/10/12	90 Karaoke	85	55			
Wed 4/11/12	95	92	55			
Thurs 4/12/12	96	93	56			
Fri 4/13/12	98	94	57	101	96	59

	DJ on Dance Floor	DJ @ Front Door	DJ Upstairs	Band on Dance Floor	Band @ Front Door	Band Upstairs
Sat 4/14/12	99	95	58	101	97	59
Fri 4/20/12	97	94	57	99	95	57
Sat 4/21/12	98	95	57	100	96	58
Fri 4/27/12	99	95	58	102	97	60
Sat 4/28/12	99	95	58	100	95	58
Fri 5/4/12	99	95	57	101	96	58
Sat 5/5/12	100	96	57	102	96	60
Fri 5/11/12	97	93	56	100	95	57
Sat 5/12/12	98	93	56	100	95	57
Fri 5/18/12	96	93	56	99	94	56
Sat 5/19/12	96	92	56	98	94	56
Tue 5/22/12	91 Karaoke	86	55			
Wed 5/23/12	94	89	56			
Thur 5/24/12	95	91	56			
Fri 5/25/12	97	93	57	99	94	57
Sat 5/26/12	97	93	57	99	94	57
Sun 5/27/12	96	92	56			
Fri 6/1/12	97	93	56	99	93	57
Sat 6/2/12	97	93	56	99	93	56

www.controlnoise.com/decibel-chart

Commercial	Industrial	Residential	dB Level
Threshold For Hearing			0
Good Recording Studio		Breathing	10
		Rustling Leaves	15
		Whisper, Mosquito	20
Library		Living / Dining Room	30
Refrigerator Hum		Kitchen / Bathroom	40
Quiet Office	Power Lawn Mower	Home Office	50
		Birds at 10'	55
Conversational Speech			60
Piano Practice		Electric Shaver	60
Business Office		Piano Practice	65
Noisy Restaurant	Inplant Office	Street Traffic	70
Chamber Music		Barking Dog	75
Classroom		Alarm Clock	75
		Television / Dishwasher	75
Airplane at 1 mile	Manual Machines	Vacuum Cleaner	80
Reception / Lobby Area	Handsaw	Garbage Disposal	85
Motor Bus		Telephone Dial Tone	85
Applause in Auditorium		Lawn Mower	85
OSHA Required Hearing Protection in Factory			85
Teleconference Room		Train at 100'	90
Subway	Farm Tractor	Teenage Stereo	90
Sustained Exposure May Cause Hearing Loss			90
Music Practice Room	Electric Drill	Walkman at 5/10	94
French Horn	Average Factory Noise	Blender	100
Orchestra	Diesel Truck	Motorcycle	105
Computer Room	Printing Press	Train	105
Bass Drum	Heavy Truck	Power Saw	110
Dog Kennel	Power Mower	Baby Crying	110
Symphony Orchestra	Punch Press	Squeaky Toy to Ear	110
Pain Begins			120
Disco	Sandblasting	Shot Gun	120
Cymbal Crash	Pneumatic Clipper	Air Raid Siren	130
Dragcar Racing	Military Jet	Shotgun	140
Rock Concert	Aircraft Carrier Deck	Jet Takeoff	140
Chest Wall Begins to Vibrate			150
Ear Drum Breaks Instantly			160
Death of Hearing Tissue			180
Loudest Possible Sound			194

Decibel (Loudness) Comparison Chart

Here are some interesting numbers, collected from a variety of sources, that help one to understand the volume levels of various sources and how they can affect our hearing.

Environmental Noise

Weakest sound heard	0dB
Whisper Quiet Library at 6'	30dB
Normal conversation at 3'	60-65dB
Telephone dial tone	80dB
City Traffic (inside car)	85dB
Train whistle at 500', Truck Traffic	90dB
Jackhammer at 50'	95dB
Subway train at 200'	95dB
<i>Level at which sustained exposure may result in hearing loss</i>	<i>95dB</i>
Hand Drill	98dB
Power mower at 3'	107dB
Snowmobile, Motorcycle	100dB
Power saw at 3'	110dB
Sandblasting, Loud Rock Concert	115dB
<i>Pain begins</i>	<i>120dB</i>
Pneumatic riveter at 4'	125dB
<i>Time that some exposures are made permitted through careful engineering practices</i>	<i>130dB</i>
Jet engine at 100'	140dB
12 Gauge Shotgun Blast	165dB
Death of hearing tissue	180dB
Loudest sound possible	194dB

OSHA Daily Permissible Noise Level Exposure

Hours per day	Sound level
8	90dB
6	92dB
4	95dB
3	97dB
2	100dB
1.5	102dB
1	105dB
.5	110dB
.25 or less	115dB

NIOSH Daily Permissible Noise Level Exposure

Hours per day	Sound level
8	85dBA
6	86dBA
4	88dBA
3	89dBA
2	90dBA
1.5	92dBA
1	94dBA
.5	97dBA
.25 or less	100dBA
0	112dBA

Perceptions of Increases in Decibel Level

Imperceptible Change	1dB
Barely Perceptible Change	3dB
Clearly Noticeable Change	5dB
About Twice as Loud	10dB
About Four Times as Loud	20dB

Sound Levels of Music

Normal piano practice	60 -70dB
Fortissimo Singer, 3'	70dB
Chamber music, small auditorium	75 - 85dB
Piano Fortissimo	84 - 103dB
Violin	82 - 92dB
Cello	85 -111dB
Oboe	95-112dB
Flute	92 -103dB
Piccolo	90 -106dB
Clarinet	85 - 114dB
French horn	90 - 106dB
Trombone	85 - 114dB
Tympani & bass drum	106dB
Walkman on 5/10	94dB
Symphonic music peak	120 - 137dB
Amplifier, rock, 4-6'	120dB
Rock music peak	150dB

INCIDENT REPORT

DATE: March 12, 2012

NAME: Josh Hurley

CAMERA:

INCIDENT DETAILS: Here is a recap of the March 12th meeting with Alder Maniaci, Gus Paras, Vic Vellicrez, 7 tenants, Clint from Badger State, Alex Aderman (security manager), Chris Boutcher (bar manager), and myself. The meeting was set for 1pm and was posted on all tenants doors. The meeting started out with myself thanking everyone for coming and advising all about what we wanted to discuss. I then went through 2 separate emails from Clint addressing what we had done with the volume and sound. At that point, I let Clint explain in more detail the positioning of the speakers and what each of them actually did. Gus then proceeded to scream expletives at Clint and myself that continued on for some time. Vic also spoke and asked what we had done, and I replied that him and I had went through this weeks prior. The expletives continued from Gus and I asked him about the forms that he and I had discussed a month prior that he said he would have the tenants fill out the date, time, and room number so we could pin point areas that might needed to be addressed. Gus then continued to berate all of us and I again asked him about the slips and he said "yes" he did say that. At that point, Vic threw a folder into the middle of the tables and said here they are. Alder Maniaci asked them why were these not given to us and Vic stated that "well here they are". Alder Maniaci asked Vic why he wouldn't drop them off to us before and he said that he was only the manager of the apartments upstairs and not the whole building. Alder Maniaci asked who was with no real clear answer. Gus began his expelcitives again and then he and Vic got up and walked out of the meeting without saying another word. From this point on, I feel that the real progress started. The tenants gave us both good

and bad feedback and the problems that they were still having. They all agreed that it has gotten better but the bass was still a little high. They all agreed that it was not the bands, but when the DJ was on. One of the tenants even said it was 90% the jukebox on the weekday nights and only 10% on the weekends. It seemed as if this was a consensus with all of the tenants there. Talks continued in a friendly manner for another 15 minutes or so and I truly felt that we had made some good progress with the tenants. I ended the meeting letting all of the tenants that I am here almost every day during the day and would be easy to find me on Friday or Saturday night right outside of the building if they had any issues. Clint and I told Alder Maniaci that we would be contacting the company that did sound for High Noon Saloon and set up a meeting to discuss the situation and get their thoughts and a bid on possible work. Alder Maniaci set up a second meeting for Monday, April 2nd at 6pm since Vic was adamant that the meeting was in the middle of the afternoon so more people would have shown up.

KEY NOTES:

~Alder Maniaci did question the structural integrity of the building and said she would look into it.

~Gus stated that he put sound proofing insulation above the ceiling that cost him \$10,000. Alder Maniaci questioned that amount considering the size of the space. I asked Gus for the company he used for the insulation and never got a response.

~Alder Maniaci brought up, after the meeting, an issue about us contacting Student Organizations and a letter that came across her desk. I explained to her that we were unaware that we could not contact them and that I had already called and addressed the issue with Tyler from the University and told him we ceased any contact with the groups immediately and apologized. He returned my phone call the next day saying thank you for the call and he did

_____ appreciate us taking care of it immediately. I told Alder Maniaci
that Mark Woulfe was aware of this as well.

INCIDENT REPORT

DATE: 3/12/12

NAME: Alex Aderman

CAMERA: _____

INCIDENT DETAILS: We held a meeting with some of the tenants from up stairs, Gus Panas, Vic the building manager, and Alder Maniacei today. We spent about half an hour discussing the sound issues and how we planned on solving some of the noise issues. ~~After~~ Gus & Vic stormed out of the bar after berating myself, Josh, Chris, and Clint, claiming we were incompetent managers, etc. After that we actually made some progress with the tenants. They all seemed very receptive to the changes we were trying to make. At the end of the meeting I ~~was~~ struck up a conversation w/ a few of the tenants; I gave them my contact info and explained that if they had any issues to contact me and I would work to ~~fix~~ fix those issues. Also after the meeting I spoke w/ Maniacei who seemed taken-a-back by ~~what we~~ ~~discussed~~ the immaturity displayed by Vic + Gus. She stated that she couldn't believe that was the type of attitude we were getting from our landlord.


EMPLOYEE SIGNATURE


MANAGER SIGNATURE

INCIDENT REPORT

DATE: 2-Apr-12

NAME: Josh Hurley

CAMERA:

INCIDENT DETAILS: Here is a recap of our second meeting set for today. This is a list of attendees: 2 tenants, Clint from Badger State, Alex Aderman (security manager), Chris Boutcher (bar manager), and myself. It should be noted that around 4pm today Vic Vellicrez and one of the tenants, whom was at both meetings, came into the bar and Vic proceeded to say that there was some discrepancy between if the meeting was today or tomorrow at 6pm. I stated that the meeting was today and was set by Alder Maniaci last month and agreed upon by all that were present at the end of the meeting last month. The tenant said " I told you it was today". Vic proceeded to say that he could not attend and that Gus was on vacation so would not be able to attend either. I replied that this was the date set. Vic then turned around and left. The same tenant who came in with Vic also told me after the meeting that he reminded Vic the previous Wednesday of the meeting today and time. It should also be noted that Chris walked by Espresso Royale on his way to the meeting and Gus was sitting outside having coffee. We waited an extra 20 minutes to start the meeting to see if any other tenants or Alder Maniaci were just running late and decided to start without them. I asked the two tenants how the noise volume has been and they both replied in a positive manner. One of the tenants said it has crept up a little but seems to go back down pretty quick. They also said that the jukebox volume has gotten better but could still go down a little. I told them that would be no problem and that we would keep a close eye on that volume. I thanked them for taking time to sit with us and again said if you have any concerns please let me know immediately.

INCIDENT REPORT

DATE: 3/15/12

NAME: Alex Aderman

CAMERA: _____

INCIDENT DETAILS: I spoke w/Art, one of the tenants upstairs, just asking how things were sounding after the meeting. He ~~proceeded to explain~~ claimed the noise was getting better, but there was still work to be done. I thanked him for his input and bought him a beer.

[Signature]
EMPLOYEE SIGNATURE

[Signature]
MANAGER SIGNATURE

INCIDENT REPORT

DATE: 3/21/12

NAME: Alex Adelman

CAMERA: _____

INCIDENT DETAILS: I spoke with Art once again. I asked him how things were going up stairs w/ the noise. Even with it being St. Paddy's this last weekend he still said the sound levels were good. His one complaint was the sound of the ~~chairs~~ band. We had an acoustic guitar band in that weekend.

Alex Adelman
EMPLOYEE SIGNATURE

Scott Murray
MANAGER SIGNATURE



Memo

To: Josh Hurley d/b/a Whiskey Jacks Saloon - Madison
From: Clint D. WhiteHorse
Re: Incident Friday, April 6th, 2012

Josh:

Just informing you of an incident that happened outside the bar on Friday night, April 6th. I had just finished cuing in the volume settings for the band and went outside to make sure volume was appropriate at the front of the bar. I stayed outside for a while to obtain some fresh air. I saw a man come outside from the upstairs apartments. He attempted to gain entry from the exit door, but was instructed to go to the main entrance. He loitered in front of the business for a while gawking at females as they passed- even reaching out a couple of times, as if to grab them. Then he came out to the curb/tree line by me and began small talk with me. His first comment was: "Mighty fine pussy down here tonight"...I rolled my eyes. He said it to a few other loiterers then came back to me & asked why the music needed to be so loud. I replied, it's not. And informed him exactly why I was outside. He told me I was an idiot & this place was going to be shut down in a few months anyway. I replied that's why we held meetings with the other tenants to arrange a happy medium in which we can all work together. I then asked him if he thought it was too loud "right now" or does he live upstairs and feels it's too loud upstairs. He said, "I don't answer to idiots," getting nose to nose with me. I instructed him to remove himself from my personal space and backed up myself. One of the other loiterer's attempted to assist in the situation & the original aggressor punched the peacemaker in the shoulder. I followed by informing him that IF he DID live upstairs, He was welcome to attend any of the meetings we held in hopes to arrange a resolution. He said, "I don't need to attend any meetings. The only thing that's gonna shut this bar down is an inferno."...I said, "an inferno?"...he said, "YEAH, I'm just gonna hafta BURN the place down!"...I replied, "Are you threatening the building? Because people live here too, it's not just a business." He said, "Well, that's what Gus said."...I asked again, just to make double sure I heard things right: "GUS, YOUR landlord, (I assumed he is a tenant by this time) TOLD you to burn the building down, is that right?"...He said, "yeah, I tried to make a complaint, and Gus told me: "I don't care, burn the building down for all I care. It's the only way." He even made that statement imitating Gus's voice.

I looked at Alex and smiled in disbelief that a landlord would actually tell a tenant those words. The man took my smile as disrespect (which, none was meant.) And stepped into my personal space again, calling me an idiot, moron, and told me he was going to smear my face on the ground. I told him I would call a police officer over if he did not remove himself. He said, "FINE, I'll win anyway." I said at what? This isn't a game I want to play. I stepped back and went inside the bar. I came back out in about 30min to check volume again. He was still outside loitering at the tree line. I attempted not to say anything to him. He saw me & huffed directly for me. I noticed a police squad approaching from a distance. I pointed to it. He immediately went across the street and waited. I assumed the squad scared him off the immediate property so I went back to business. All of a sudden, He is right back in my face again whistling in my face-to the point that he is blowing on my eyebrows. I back up again & notice the police officer on the street nearby. I asked to officer to assist in removing this guy from my space and the officer

accommodates. After everything has settled down, The officer tells me the man has been informed to stay away from me & the business & things should remain calm the remainder of the night. I informed the officer of the man's original complaint and asked the officer of his opinion. He said, "it's loud, but certainly not unreasonable. I cannot hear it from my squad on the street, so it's within common aspects." On my way back inside, another man stopped me and said he saw everything. He, also, lives upstairs. He said the volume has been great the last few weeks. Followed by the comment, "we live above a bar on state street." I laughed and thanked him for his input. Then I asked his name or apt #. He said #41.

Later that night, I spoke with Jeff, who was bringing out trash at bartime. I asked how the volume was for him lately. He replied, "it's night and day since our first meeting! It used to be obscene, but now it's a ton better." I thanked him for his input and honesty and went home for the night.

Regards,
Clint D. WhiteHorse

Badger State Event Productions & Party Rent-ALL, Inc.
Stage, Sound, Lights, DJ, Karaoke, AV, Tents, Tables, Chairs, Portable Paver, Food Catering
PO BOX 8814
Madison, Wisconsin 53708
Phone (608) 707 0200
Madison. Milwaukee. Chicago. Fox Cities. Green Bay. Wausau.

INCIDENT REPORT

DATE: 5/9/2012

NAME: JOSH HURLEY

CAMERA: _____

INCIDENT DETAILS: I APPROACHED A TENANT, JEFF, FROM UPSTAIRS TO LET HIM KNOW THAT WE WOULD BE HAVING A BAND TOMORROW SINCE WE NORMALLY ONLY HAVE A DJ. HE IMMEDIATELY PROCEEDED TO SAY THAT IT HAS BEEN BETTER BUT THE BASS & MICROPHONE VOLUME OF THE DJ'S @ 1:45 (SAYING "LAST CALL") IS GETTING LOUD. I EXPLAINED TO HIM THAT WE HAVE NOT TURNED UP ANY SPEAKERS AFTER OUR FIRST MEETING. NOTE THAT HE SAID "THE MONTH AFTER THE 1ST MEETING IT WAS GOOD". JEFF DID NOT ATTEND EITHER MEETING. JEFF PROCEEDED TO SAY, AFTER I SAID TO INFORM ME OF ISSUES LIKE DISCUSSED IN THE MEETINGS, THAT GUS TOLD HIM NOT TO TALK TO US & JUST REPORT TO HIM AND GUS WOULD GO DIRECTLY TO THE CITY ATTORNEY'S OFFICE. I REPLIED THAT GUS DOES NOT SPEAK TO US AND THE FEEDBACK FROM OTHER TENANTS HAS BEEN POSITIVE. I ENDED THE CONVERSATION SAYING "I JUST WANTED TO INFORM YOU & HAVE A GOOD DAY".

NOTE: JEFF DID MENTION THAT KARAOKE ON TUESDAYS WAS LOUD BECAUSE OF THE DJ'S ANNOUNCING NAMES. TWO WEEKS AGO WE INSTALLED A DIGITAL STABILIZER TO CONTROL ALL MIC VOLUME FOR DJ'S & KARAOKE SINGERS, BOTH BEING SET @ THE SAME VOLUME.

EMPLOYEE SIGNATURE _____


MANAGER SIGNATURE _____

INCIDENT REPORT

DATE: 5/21/2012

NAME: JOSH HURLEY

CAMERA:

INCIDENT DETAILS: I JUST SPOKE (1:45 pm) WITH A TENANT, MOHAMMED, FROM UPSTAIRS AND ASKED HOW THE VOLUME HAS BEEN. HE SAID HE DIDN'T KNOW WHY IT HAS BEEN SUCH A BIG DEAL & THAT AT FIRST HE COULD FEEL A LITTLE VIBRATION WHEN HE MOVED IN MONTHS AGO BUT LATELY HE HAS NOT FELT ANY VIBRATIONS AND THE VOLUME IS GOOD. I THANKED HIM AND WENT ON MY WAY.

EMPLOYEE SIGNATURE

MANAGER SIGNATURE



INCIDENT REPORT

DATE: 4/17/2012
NAME: JOSH HURLEY
CAMERA: _____

INCIDENT DETAILS: I RECEIVED A PHONE CALL TODAY FROM
VIC, BUILDING MANAGER, THAT HE HAD GOTTEN COMPLAINTS THIS
PAST WEEKEND ABOUT LOUD NOISE. I ASKED HIM WHAT THE
COMPLAINTS WERE & HE SAID "THE BANDS VOCALS AND DRUMS
WERE VERY LOUD". I REPLIED TO HIM THAT WE DID NOT EVEN
HAVE A BAND THIS PAST WEEKEND. THERE WAS BRIEF SILENCE AND
THEN THE STORY CHANGED TO THE DJ'S MICROPHONE VOLUME
WAS LOUD WHEN HE CALLED "LAST CALL" AND ALSO WHEN
THEY WOULD SAY "LET ME HEAR YOU WHISKEY". I INFORMED VIC
THAT THESE TWO THINGS TOOK NO LONGER THAN 5 SECONDS APiece.
I ALSO LET VIC KNOW THAT WE HAVE SPOKEN WITH MULTIPLE
TENANTS AND THEY HAVE ALL SAID IT HAS BEEN A LOT BETTER.
HE THEN SAID THAT GUS WAS PISSED OFF AND I REPLIED THAT
WE HAVE DONE EVERYTHING WE SAID WE WOULD AND HAVE NOT
TURNEO IT UP EXCESSIVELY SINCE.

EMPLOYEE SIGNATURE


MANAGER SIGNATURE



Memo

To: Josh Hurley d/b/a Whiskey Jacks Saloon - Madison
From: Clint D. WhiteHorse
Re: Incident Saturday, May 26th, 2012

Josh:

I went to take db readings upstairs, like usual, on Saturday, May 26th. I made contact with the man who lives all the way to the rear-right apartment again. (above the exit door) He seems to be happier with the way things are going because He has been more friendly, each time I visit his end of the hallway to record sound levels. I never expect his door to be open or speak with him. But lately, We've spoken to each other each time. On my way outside, Vic & Jeff were in the front room and asked me to step inside. I obliged and was asked why I was upstairs. I informed them that I was taking sound readings, just as I always do- looking at Jeff, who has seen me or made contact with me on many occasions for the same reason. I directly followed my explanation with a question: "how is the volume tonight." Jeff said the DJ's voice is too loud and drums from the band. Vic (answering over Jeff) said the Band volume was too loud. I asked them which one it was. Because they both just gave me different answers. They both answered again and said, "The DJ." I asked what happened to the "band" portion of their first answer, they said: "Do you think you are trying to catch us up?" I said, "No, you both said different answers from each other and at the same time. It was hard to understand. And then when you answered the second time, they were different answers from your own first answers." They both looked at each other and replied with a mutual 3rd answer: "it's the DJ." I said I will come back and take a reading when the DJ goes on- just like I always do. Vic said, "It's not gonna matter, You ARE the DJ."... I informed him that I am NOT the DJ & I have only DJ'd twice myself since taking sound readings. And I still took readings on those nights too. I asked Vic if he wanted to come downstairs with me and observe how I take readings downstairs. Then, when the DJ goes on, we could come back upstairs together and take readings UPSTAIRS together too. Vic said: "naw, naw, I'm not leaving here. Volume isn't my job, that's YOUR JOB!" (Pointing to me) Jeff said: "whatever man, you're sick in that little head of yours." Then he said I was not allowed upstairs to record levels & he was going to call Gus the next time he found me there. Vic interrupted and said, "NO, don't do that! Gus will KILL HIM or worse yet me. (Pointing to himself) I asked him why it was an issue "now" compared to the past times I was taking readings upstairs. Vic interrupted saying "you have no business up here." I asked if he was still unhappy with the noise upstairs. He said yes. I told him that I needed to find a "control" level to determine what is unreasonable or not. I did this by using the decibel meter & speaking with neighbors. After speaking with many of them over the past couple months, they expressed their gratitude in seeing me take measures to record levels from "their" immediate environment. As I was explaining this to Vic & Jeff, the man from the end apartment (whom I did not notice) was standing in the hallway, just outside the front room. He interrupted and said: "yeah, I think it's a good thing he is up here checking sound, How else are they going to know how loud it is (up here) if they don't come up?" Jeff replied quickly and said: "You get out of here! This is a private meeting between me (pointing to himself) & the apartment manager. (Pointing to Vic)

I said: "You can't expect us to fix a problem, if you don't allow me access to the problem area- Just as, you cannot expect us even attempt to fix a problem if we are unaware of the problem in the first place." (Referring to the complaint forms that Vic asked his tenants to fill out, but never delivered them downstairs.) Vic replied: "That doesn't concern you." I asked him how he thought complaint forms he asked his tenants to complete regarding sound volume didn't concern me, considering I was the person in charge of controlling said volume. He said: "Don't worry; you will see them on June 11th." I asked him what event was on June 11th & why he would wait until then to show me these alleged forms if they concerned a problem that I can fix right now. I never got an answer from Vic. Jeff interrupted saying: "you're just sick in the head! Get lost you fucking moron!" I looked at Vic for assistance in keeping the conversation from becoming combative. He just smiled. I asked Vic if we were done & if he had any more questions. He asked who let me upstairs. I replied sometimes there is a neighbor by the front door, but mostly Brandon lets me upstairs. Jeff is still yelling the same statement over and over. I turned to Jeff and told him "STOP, now you're just acting immature! You're so busy trying to taunt me that you didn't even realize the DJ went on 10 minutes ago. If the DJ is so loud, how come none of us noticed?" (The only reason "I" knew was because I looked at the clock on my phone, knowing the band/dj schedule.) The whole time I am saying this, Jeff is still taunting me. I looked at Vic. He was smiling again, I said: "are you going to allow this?" He said, "Why should I care. You're in MY office!" I replied: You invited me and I didn't come for this" (referring to Jeff's taunting words) I excused myself and left the room, heading downstairs. They shouted out after me: "See you June 11th!...It's SOOOO over for you guys... You guys are screwed!...See you June 11th.".... I just ignored them and came back downstairs to continue my readings outside.

Regards,
Clint D. WhiteHorse

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Subject: Re: Concerns
From: gusandmary@aol.com (gusandmary@aol.com)
To: hurley.whiskeyriver@yahoo.com;
Date: Saturday, June 2, 2012 11:28 AM

Josh,

I just opened this email. I will pass the message on to Gus. I know he wants to talk to you guys and has left messages for Kory. I will have him call you.

Mary

-----Original Message-----

From: Josh Hurley <hurley.whiskeyriver@yahoo.com>
To: gusandmary <gusandmary@aol.com>
Sent: Thu, May 31, 2012 4:12 pm
Subject: Concerns

Gus,

I was just wondering if you would like to get together tomorrow morning and discuss some of the issues that we have been dealing with. Even though it's difficult I feel it would be good to keep an open line of communication on any issues. In the past I feel like we have had a good business relationship and I would like to try and restore that. Let me know if that will work. Thanks.

Sent from my iPhone

Subject: RE: Gus
From: Korey@begmgmt.com (Korey@begmgmt.com)
To: hurley.whiskeyriver@yahoo.com;
Cc: Korey@begmgmt.com; tom_dequattro@yahoo.com;
Date: Wednesday, June 6, 2012 4:24 PM

I called and spoke with Gus about 10 days ago. We talked a little and he said he wanted to have a meeting with us next time I was in town. Tom said when he went out there last week he was going to try to have a meeting with Gus. He said he tried to set up a meeting and went to where Gus was and told someone he was there but Gus would not come out.

I did also just call Gus again and asked him if he got a chance to talk to Tom. I also asked him how things were regarding the sound and we discussed it for some time. I did again offer that we would pay for 1/2 of the sound dampening installation if he would pay for the other 1/2 and he said no way.

Korey

From: Josh Hurley [mailto:hurley.whiskeyriver@yahoo.com]
Sent: Monday, June 04, 2012 12:24 PM
To: Korey@begmgmt.com
Subject: Gus

Tom said that you spoke with Gus a week or so ago. If so, could you shoot me an email with the conversation. I am putting together a packet for the noise issues and want to have every conversation in it. From the email responded back from Mary it sounds like Gus is saying he DID NOT talk to you. Thanks.

Josh Hurley
Whiskey Jacks Saloon
552 State St.
Madison, WI 53703
608-819-8881

INCIDENT REPORT

DATE: 6/5/2012

NAME: JOSH HURLEY

CAMERA: _____

INCIDENT DETAILS: I RECEIVED A CALL FROM GUS TODAY
IN REFERENCE TO THE EMAIL I SENT ASKING IF HE COULD
MEET & TALK. I ASKED IF HE HAD READ THE EMAIL AND HE
SAID "NO, I DON'T READ EMAILS, MARY TOLD ME TO CALL
YOU." I PROCEEDED TO GO OVER THE EMAIL AND WAS
INTERRUPTED BY GUS SAYING HE HAS TRIED TO CALL ME AND
I NEVER CALLED HIM BACK. I SAID, "GUS YOU KNOW THAT IS
NOT TRUE, I HAVE ALWAYS CALLED YOU BACK!" GUS PROCEEDED
TO THEN SAY HE HAS CALLED KOREY MULTIPLE TIMES THE
PAST MONTH AND KOREY NEVER CALLED HIM BACK. I KNEW
THAT WAS NOT TRUE BECAUSE KOREY TOLD ME ABOUT A
CONVERSATION HE HAD w/ GUS A WEEK OR SO PRIOR.

EMPLOYEE SIGNATURE

MANAGER SIGNATURE

