

CITY OF MADISON,
Plaintiff,

COMPLAINT

v.

Case No. 19LF1925

SEGREDO, LLC
dba Liquid/Ruby
624 University Avenue
Madison, WI 53715
Defendant.

OFFENSE(S):

ORDINANCES(S) VIOLATED:

(1 count) Permit Intoxicated Person to be on Licensed Premises	38.04(1)(a)3
(1 count) Licensee Dealing to Underage Person	38.04(2)(b)
(1 count) Sale to Intoxicated Person	38.04(1)(a)2
(1 count) Intoxicated Licensee or Employee	38.06(8)

COMPLAINING WITNESS

Madison Police Officer Bart O'Shea

AGENCY & CASE NOs.: 18-00050833 and 2018- COURT CASE NO.:
00474076

THE ABOVE-NAMED COMPLAINING WITNESS BEING DULY SWORN STATES THAT THE ABOVE-NAMED DEFENDANT, by its agent, servant or employee, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN, on 11/17/2018 and 2/9/2019; at Liquid/Ruby, 624 University Avenue, Madison, Wisconsin:

As licensee under a City of Madison Class B combination license for the retail sale of fermented malt beverages and intoxicating liquors at the premises known as Liquid/Ruby, 624 University Avenue Madison, WI:

FIRST COUNT: Unlawfully permit an intoxicated person to be on the premises in which alcohol beverages are sold, in violation of Sec. 38.04(1)(a)3 of the Madison General Ordinances, for which the penalty is a forfeiture of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On February 9, 2019 at approximately 12:15 a.m., Madison Police Officer Bart O'Shea was participating in a Tavern Safety check with the Central District Community Policing Team at Liquid Nightclub, 624 University Avenue, Madison, Wisconsin. Upon entering Liquid and going downstairs, Officer O'Shea observed a man, later identified as Zanger, at the bottom of the stairs. Zanger appeared to Officer O'Shea to be extremely intoxicated and could barely form his words. Zanger had an "X" on his hand, which is the normal marking of an individual under 21 who is unable to consume alcohol. Officer O'Shea spoke with a nearby staff person and they advised that Zanger arrived intoxicated and they marked his hand with an "X" so that he could not drink in Liquid - Madison Police Report 2018-00050833.

SECOND COUNT: Unlawfully sell, vend, deal or traffic in alcohol beverages to or with an underage person not accompanied by parent, guardian or spouse who has attained the legal drinking age, to wit: Madeline G. Johnson, DOB [REDACTED], contrary to Section 38.04(2)(b) of the Madison General Ordinances and upon conviction thereof shall be subject to a forfeiture of not more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

THIRD COUNT: Unlawfully sell, vend, deal or traffic in alcohol beverages to or with an intoxicated person in violation of Section 38.04(1)(a)2 of the Madison General Ordinances, for which the penalty is a forfeiture of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FOURTH COUNT: Unlawfully, as a licensee or employee of a licensee, performed services on the licensed premises while under the influence of intoxicants or controlled substances or both, in violation of Madison General Ordinances Sec. 38.06(8) and upon conviction thereof shall be subject to a forfeiture of not more than One Thousand Dollars (\$1,000) plus 26% statutory penalty surcharge, \$23 jail and crime lab surcharge, plus court costs and fees.

FACTS: On November 17, 2018, Madison Police Officer Bart O'Shea, was conducting follow-up after an Operating A Motor Vehicle While Under The Influence arrest of a person who worked at Liquid Nightclub as a bartender. This individual, Madeline G. Johnson, DOB [REDACTED], told officers she was drinking at Liquid while on duty prior to the accident and arrest.

Officer O'Shea followed up with Manager Ben Churley. Officer O'Shea obtained the names and dates of birth of all bartenders who were working the evening of 11/17/2018. Officer O'Shea viewed Liquid's video from November 17, 2018 and observed the following:

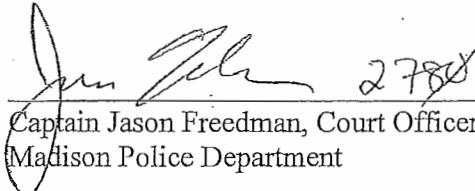
In the Ruby Bar: At 11:03 p.m., Employee Raoul Ruiz, DOB [REDACTED], made himself a double rail drink, placed it on the back bar and drank it through his shift. At 11:40 p.m., Ruiz did a shot with customers. At 12:03 a.m., Ruiz did a shot with the same customers.

In the Upper Bar: Employees Austin Alexander, DOB [REDACTED]; Bethany Thompson, DOB [REDACTED]; and Rose Gronna, DOB [REDACTED]. At 10:13 p.m., Thompson does a shot with a customer. At 12:08 a.m., Thompson does another shot with the same customer; at 12:16 a.m., Thompson and Alexander both do a shot with a customer; at 12:49 a.m., Alexander does a second shot; at 1:26 a.m., Thompson does her fifth shot,

Lower East Bar: Employees Chelsea Scheunert, DOB [REDACTED]; Madeline Johnson, DOB [REDACTED]; and Nikki Hodgdon, DOB [REDACTED]. At 10:06 p.m., Scheunert does a shot with customers. At 11:02, Scheunert and Johnson do a shot. At 11:18 p.m., Johnson does a second shot; at 11:26 p.m., Johnson does her third shot and Hodgdon does her first shot with customers. At 11:58 p.m., Johnson does her fourth shot and Hodgdon does her second shot. At 12:09 a.m., Johnson does her fifth shot. At 12:18, a.m., Johnson does her sixth shot, Hodgdon does her third shot, and Scheunert does a third shot with customers. At 12:23 a.m., Hodgdon does her fourth shot with a customer. At 12:48 a.m., Johnson does a seventh shot. At 1:52 a.m., Johnson does an eighth shot.

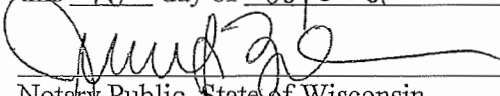
Madeline G. Johnson's OMVWI arrest was at 2:57 a.m. At 4:10 a.m., her BAC was .16.

THIS COMPLAINT IS BASED ON the information and belief of your complainant, Captain Jason Freedman, who is a Court Officer with the City of Madison Police Department who learned of the above offense from a written report of fellow Police Officer Bart O'Shea, whom your complainant knows to be truthful and reliable based on past professional contacts and whose reports have always proven to be true and accurate. Said reports can be found in Madison Police Department Records under Case No(s). 2018-00050833 and 2018-00474076.



Captain Jason Freedman, Court Officer
Madison Police Department

Subscribed and sworn to before me,
this 18th day of April, 2019.



Notary Public, State of Wisconsin
My commission expires on is permanent.

You may by mail, prior to the date of your appearance indicated on the Summons, enter a plea of not guilty by mailing such plea to the court address indicated on the Summons. Include the date of your court appearance, your name as it appears on the Summons and your mailing address. Your case will then be set for a pretrial conference. The court will send you a notice as to the date and time of your pretrial conference.